



**WILLIAM JAMES
COLLEGE**

**EQUAL OPPORTUNITY, HARASSMENT, AND
NON-DISCRIMINATION POLICY AND RESOLUTION
PROCESS FOR ALL FACULTY, STUDENTS, EMPLOYEES,
AND THIRD PARTIES**

Effective 8.1.24

*BASED ON THE ATIXA 2024 ONE POLICY, ONE PROCEDURE (1P1P)
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*Updated on 9/10/24: Policy and Procedures may be viewed at
[https://www.williamjames.edu/about/human-resources/upload/wjc-non-discrimination-
and-title-ix-policy-and-procedures.pdf](https://www.williamjames.edu/about/human-resources/upload/wjc-non-discrimination-and-title-ix-policy-and-procedures.pdf)*

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PART 1 OF 2 PARTS

WILLIAM JAMES COLLEGE EQUAL OPPORTUNITY, HARASSMENT, AND NON-DISCRIMINATION POLICY FOR ALL FACULTY, STUDENTS, EMPLOYEES, AND THIRD PARTIES (Hereinafter, “the Policy”)

Purpose

William James College is committed to providing an educational and employment environment that is free from discrimination based on protected characteristics, harassment, and retaliation for engaging in protected activity.

William James College values and upholds the equal dignity of all members of its community and strives to balance the rights of the Parties in the resolution process during what is often a difficult time for all involved.

To ensure compliance with federal, state, and local civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the education program or activity, William James College has developed policies and procedures that provide for prompt, fair, and impartial resolution of allegations of protected characteristic discrimination, harassment or retaliation.

Notice of Non-Discrimination

William James College seeks to comply with all federal, state, and local laws, regulations, and ordinances prohibiting discrimination in private post-secondary education institutions.

William James College does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of actual or perceived:

- Age (40 years and over in the employment context)
- Color
- Creed
- Disability (physical or mental)
- Domestic violence victim status
- Ethnicity
- Gender expression
- Gender identity

- Genetic information (including family medical history)
- National origin (including ancestry)
- Pregnancy or related conditions
- Race
- Religion
- Sex
- Sexual orientation
- Veteran or military status (including disabled veteran, recently separated veteran, active-duty, wartime, or campaign badge veteran, and Armed Forces Service Medal veteran)
- or any other protected characteristic under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process within William James College, with the Equal Employment Opportunity Commission, and/or any other human/civil rights agency.

This Policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the William James College community whose acts deny, deprive, unreasonably interfere with or limit the education or employment, and/or social access, benefits, and/or opportunities of any member of the William James College community, guest, or visitor on the basis of that person's actual or perceived protected characteristic(s), is in violation of this Policy.

William James College will promptly and effectively address any such discrimination of which it has Knowledge/Noticer in keeping with the Resolution Process detailed in Part 2 of the Policy.

Definitions

The following definitions apply to the Policy and Resolution Process:

- **Advisor.** Any person chosen by a party, or appointed by William James College, who may accompany the party to all meetings related to the Resolution Process and advise the party on that process.
- **Administrator:** The term Administrator describes the individuals responsible for employee and student complaints:
 - *Vice President for Finance and Operations.* The person with primary responsibility for overseeing and enforcing the Non-Discrimination Policy and Procedures for employees. The person who serves as the Title IX Coordinator for William James College. As used in these policies and procedures, the Vice President for Finance and Operations also includes their designee(s).

- *Dean of Students.* The person with primary responsibility for overseeing and enforcing the Non-Discrimination Policy and procedures for students. The person who serves as the Deputy Title IX Coordinator for William James College. As used in these policies and procedures, the Dean of Students also includes their designee(s).
- ***Appeal Decision-maker.*** The person or panel who accepts or rejects a submitted appeal request, determines whether any of the grounds for appeal are met, and directs responsive action(s), accordingly.
- ***Complainant.*** A student or employee who is alleged to have been subjected to conduct that could constitute discrimination, harassment, or retaliation under the Policy; or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute discrimination, harassment, or retaliation under the Policy and who was participating or attempting to participate in William James College's education program or activity at the time of the alleged discrimination, harassment, or retaliation.
- ***Complaint.*** An oral or written request to William James College that can objectively be understood as a request for William James College to investigate and make a determination about the alleged Policy violation(s).
- ***Confidential Employee.***
 - An employee whose communications are privileged or confidential under federal or state law (e.g., lawyers, medical professionals, clergy, and mental health counselors). The employee's confidential status, for purposes of this definition, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or
 - An employee whom William James College has designated as confidential under this Policy for the purpose of providing services to persons related to discrimination, harassment, or retaliation. If the employee also has a duty not associated with providing those services, the employee's confidential status only applies with respect to information received about discrimination, harassment, or retaliation in connection with providing those services; or
 - An employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about discrimination, harassment, or retaliation. The employee's confidential status only applies with respect to information received while conducting the study.
- ***Day.*** A business day when William James College is in normal operation. All references in the Policy and Resolution Process to days refer to business days unless specifically noted as calendar days.

- **Decision-maker.** The person or panel who hears evidence, determines relevance, and makes the Final Determination of whether the Policy has been violated and/or assigns sanctions.
- **Education Program or Activity.** Locations, events, or circumstances where William James College exercises substantial control over the context in which the discrimination, harassment, and/or retaliation occurs. This includes any building owned or controlled by William James College.
- **Employee.** A person employed by William James College either full- or part-time, including student employees when acting within the scope of their employment.
- **Final Determination.** A conclusion by the standard of proof that the alleged conduct did or did not violate the Policy.
- **Finding.** A conclusion by the standard of proof that the conduct did or did not occur as alleged (as in a “finding of fact”).
- **Informal Resolution.** A resolution agreed to by the Parties and approved by the Administrator that occurs prior to a Final Determination in the Resolution Process.
- **Investigation Report.** The Investigator’s summary of all relevant evidence gathered during the investigation. Variations include the Draft Investigation Report and the Final Investigation Report.
- **Investigator.** The person(s) authorized by William James College to gather facts about an alleged violation of this Policy, assess relevance and credibility, synthesize the evidence, and compile this information into an Investigation Report.
- **Knowledge.** When William James College receives Notice of conduct that reasonably may constitute harassment, discrimination, or retaliation in its Education Program or Activity.
- **Mandated Reporter.** A William James College employee who is obligated by Policy to share Knowledge, Notice, and/or reports of discrimination, harassment, and/or retaliation with the Administrator.

All William James College faculty and employees (including student-employees), other than those deemed Confidential Employees, are Mandated Reporters and are expected to promptly report all known details of actual or suspected discrimination, harassment, and/or retaliation to appropriate officials immediately. or Administrative Resolution.

- **Respondent.** A person who is alleged to have engaged in conduct that could constitute discrimination based on a protected characteristic, harassment, or retaliation for engaging in a protected activity under this Policy.
- **Sanction.** A consequence imposed on a Respondent who is found to have violated this Policy.
- **Sex.** Sex assigned at birth, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.
- **Student.** Any person who has gained admission.
- **Title IX Coordinator.** At least one official designated by William James College to ensure ultimate oversight of compliance with Title IX and William James College's Title IX program. References to the Title IX Coordinator throughout the Policy may also encompass a designee or deputy of the Title IX Coordinator for specific tasks.

Rights of All Parties

Under the Policy and its procedures, the Parties have the right to:

- An equitable investigation and resolution of all credible allegations of prohibited discrimination, harassment, retaliation, and Other Prohibited Conduct (as defined herein), when reported in good faith to William James College officials.
- Timely written notice of all alleged violations, including the identity of the Parties involved (if known), the specific misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated Policies and procedures, and possible sanctions (such notice, the "Notice of Investigation and Allegation(s)" or "NOIA").
- Timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants) by updating the NOIA as needed to clarify potentially implicated Policy violations.
- Be informed in advance of any William James College public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- Have all personally identifiable information protected from William James College's release to the public without consent, except to the extent permitted by law.
- Be treated with respect by William James College officials.

- Have this Policy and its procedures followed without material deviation.
- Voluntarily agree to resolve allegations under this Policy through Informal Resolution without pressure from William James College, if Informal Resolution is approved by the Administrator.
- Not be discouraged by William James College officials from reporting discrimination, harassment, retaliation, and Other Prohibited Conduct to both on-campus and off-campus authorities.
- Be informed of options to notify proper law enforcement authorities, including local police, and the option(s) to be assisted by William James College in notifying such authorities, if the party chooses. This also includes the right to not be pressured to report.
- Have allegations of violations of this Policy responded to promptly and with sensitivity by William James College officials.
- Be informed of available supportive measures, such as counseling, advocacy, health care, student financial aid, visa and immigration assistance, and/or other services, both on-campus and in the community.
- A William James College-implemented no-contact order or a no-trespass order against a non-affiliated third party when such third party has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.
- Be informed of available assistance in changing academic and/or employment situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either institutional or criminal, needs to occur for this option to be available. Such actions may include, but are not limited to:
 - Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
 - Referral for counseling
 - Referral for visa/immigration assistance
 - Rescheduling or adjusting an exam, paper, and/or assignment
 - Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
 - Transferring class sections
 - Temporary withdrawal/ leave of absence (may be retroactive)
 - Alternative course completion options
 - Transportation assistance
- Have William James College maintain supportive measures for as long as necessary and for supportive measures to remain confidential, provided

confidentiality does not impair William James College's ability to provide the supportive measures.

- Receive sufficiently advanced written notice of any William James College meetings or interviews involving another party, when possible.
- Identify and have the Investigator(s) and/or Decision-maker question relevant available witnesses, including expert witnesses.
- Provide the Investigator(s)/Decision-maker with a list of questions that, if deemed relevant and permissible by the Investigator(s)/Decision-maker, may be asked of any party or witness.
- Have Complainant's inadmissible sexual interests/prior sexual history or any Party's irrelevant character evidence excluded by the Decision-maker.
- Access the relevant evidence obtained and respond to that evidence.
- A fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
- Receive a copy of all relevant and permissible evidence obtained during the investigation, subject to privacy limitations imposed by federal and state law and be given ten (10) business days to review and comment on the evidence.
- The right to receive a copy of the Final Investigation Report, including all factual, Policy, and/or credibility analyses performed, and to have at least seven (7) business days to review the report prior to the determination.
- Be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- Regular status updates on the investigation and/or Resolution Process.
- Have reports of alleged Policy violations addressed by Resolution Process Pool members who have received relevant annual training as required by law.
- A Decision-making panel that is not single-sex in its composition, if a panel is used.
- Preservation of confidentiality/privacy, to the extent possible and permitted by law.
- Meetings, interviews, and/or hearings that are closed to the public.
- Petition that any William James College representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.

- Be able to select an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the Resolution Process.
- Apply the appropriate standard of proof, the preponderance of the evidence standard, to make a Finding and Final Determination after an objective evaluation of all relevant and permissible evidence.
- Be present, including presence via remote technology, during all testimony given and evidence presented during any hearing.
- Have an impact and/or mitigation statement considered by the Decision-maker following a determination of responsibility for any allegation, but prior to sanctioning.
- Be promptly informed of the Resolution Process finding(s) and sanction(s) (if any), and be given a detailed rationale of the decision (including an explanation of how credibility was assessed) in a written outcome letter delivered to the Parties simultaneously (without undue delay).
- Be informed in writing of when a William James College decision is considered final and any changes to the Final Determination or sanction(s) that occur after the delivery of the outcome letter.
- Be informed of the opportunity to appeal the Resolution Process finding(s) and sanction(s), and the procedures for doing so in accordance with William James College's grounds for appeal.
- A fundamentally fair resolution as defined in these procedures.

William James College Non-Discrimination Team Contacts

William James College has appointed the Nondiscrimination Team, comprised of the following individual(s), to coordinate William James College's compliance with federal, state, and local civil rights laws and ordinances:

- ***For employee discrimination and harassment allegations [not based on sex or disability]:***
 Daniel Brent
 Vice President for Finance and Operations (Also known as the Administrator and Deputy Coordinator for Employees)
 Room 543
 William James College, 1 Wells Ave., Newton, MA
 (617) 327-6777, extension 1532
dan_brent@williamjames.edu
 Pronouns: He, His, Him

- ***For student discrimination and harassment allegations [not based on sex or disability]:***
 Dr. Ann Coyne
 Dean of Students (Also known as the Administrator and Deputy Title IX Coordinator for Students)
 Dean of Students Office, Suite 448
 William James College, 1 Wells Ave., Newton, MA
 (617) 327-6777, extension 2241
ann_coyne@williamjames.edu
 Pronouns: She, Her, Hers
- ***For employee sex discrimination and sex-based harassment allegations:***
 Daniel Brent
 Vice President for Finance and Operations (Also known as the Administrator and Deputy Coordinator for Employees)
 Room 543
 William James College, 1 Wells Ave., Newton, MA
 (617) 327-6777, extension 1532
dan_brent@williamjames.edu
 Pronouns: He, His, Him
- ***For employee disability-based allegations:***
 Daniel Brent
 Vice President for Finance and Operations (Also known as the Administrator and Deputy Coordinator for Employees)
 Room 543
 William James College, 1 Wells Ave., Newton, MA
 (617) 327-6777, extension 1532
dan_brent@williamjames.edu
 Pronouns: He, His, Him
- ***For student sex discrimination and sex-based harassment allegations:***
 Dr. Ann E. Coyne
 Dean of Students (Also known as the Deputy Title IX Coordinator for Students)
 Dean of Students Office, Suite 448
 William James College, 1 Wells Ave., Newton, MA
 Phone: (617) 327-6777, extension 2241
ann_coyne@williamjames.edu
 Pronouns: She, Her, Hers
- ***For student disability-based allegations:***
 Dr. Ann E. Coyne
 Dean of Students
 Dean of Students Office, Suite 448

William James College, 1 Wells Ave., Newton, MA
Phone: (617) 327-6777, extension 2241
ann_coyne@williamjames.edu
Pronouns: She, Her, Hers

Collectively, these individuals are responsible for providing comprehensive nondiscrimination education and training; coordinating William James College's timely, thorough, and fair response, investigation, and resolution of all alleged prohibited conduct under this Policy; and monitoring the effectiveness of this Policy and related procedures to ensure an education and employment environment free from discrimination, harassment, and retaliation.

William James College recognizes that allegations under this Policy may include multiple forms of discrimination and harassment as well as violations of other William James College policies; may involve various combinations of students, employees, and other members of the William James College community; and may require the simultaneous attention of multiple William James College departments. Accordingly, all William James College departments will share information, combine efforts, and otherwise collaborate, to the maximum extent permitted by law and consistent with other applicable William James College policies, to provide uniform, consistent, efficient, and effective responses to alleged discrimination, harassment, or retaliation.

External Contact Information

Concerns about William James College's application of this Policy and compliance with certain federal civil rights laws may also be addressed to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
OCR Hotline: (800) 421-3481
FAX: (202) 453-6012
TDD: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

Boston Office
Office for Civil Rights
U.S. Department of Education

5 Post Office Square, 8th Floor
Boston, MA 02109-3921
Telephone: (617) 289-0111
FAX: 617-289-0150
Email: OCR.Boston@ed.gov

Massachusetts Commission Against Discrimination (MCAD)

MCAD Boston Headquarters

1 Ashburton Place, Ste. 601, Boston, MA 02108

Telephone:

TTY: (617) 994-6196

Email: mcad@mass.gov

MCAD Worcester Office

18 Chestnut Street, Room 520, Worcester, MA 01608

Telephone: [\(508\) 453-9630](tel:(508)453-9630)

Email: mcad@mass.gov

MCAD Springfield Office

436 Dwight Street, Room 220, Springfield, MA 01103

Telephone: [\(413\) 739-2145](tel:(413)739-2145)

Email: mcad@mass.gov

For Complaints involving employee-on-employee conduct: Equal Employment Opportunity Commission (EEOC). The EEOC has jurisdiction over Title IX employment claims.

EEOC Boston Area Office

JFK Federal Building

15 New Sudbury Street, Room 475

Boston, MA 02203-0506

Telephone: 1-800-669-4000

FAX: 617-565-3196

Mandated Reporting and Confidential Employees

Mandated Reporting

All William James College faculty and employees (including student-employees), other than those deemed Confidential Employees, are Mandated Reporters and are expected to promptly report all known details of actual or suspected discrimination, harassment, and/or retaliation to appropriate officials immediately. Supportive measures may be offered as the result of such disclosures without formal William James College action.

Complainants may want to carefully consider whether they share personally identifiable details with Mandated Reporters, as those details must be shared with the Administrator.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect a Complainant with resources to report alleged crimes and/or Policy violations, and these employees will immediately pass Notice to the Administrator (and/or police, if desired by the Complainant or required by law), who will act when an incident is reported to them.

Failure of a Mandated Reporter, as described above in this section, to report an incident of discrimination, harassment, or retaliation of which they become aware is a violation of William James College Policy and can be subject to disciplinary action for failure to comply/failure to report. This also includes situations when a harasser is a William James College Mandated Reporter. Such individuals are obligated to report their own misconduct, and failure to do so is a chargeable offense under this Policy.

A Mandated Reporter who is themselves a target of harassment or other misconduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

The following sections describe William James College's reporting options for a Complainant or third party (including parents/guardians when appropriate):

Confidential Employees

To enable Complainants to access support and resources without filing a Complaint, William James College has designated specific employees as Confidential Employees. Those designated by William James College as Confidential Employees are not required to report actual or suspected discrimination, harassment, or retaliation in a way that identifies the Parties. They will, however, provide the Complainant with the Title IX Coordinator's contact information and offer options and resources without any obligation to inform an outside agency or a William James College official unless a Complainant has requested the information be shared.

There are three categories of Confidential Employees: 1) Those with confidentiality bestowed by law or professional ethics, such as lawyers, medical professionals, clergy, and counselors; 2) Those whom William James College has specifically designated as confidential for purposes of providing support and resources to the Complainant; and 3) Those conducting human subjects research as part of a study approved by William James College's Institutional Review Board (IRB). For those in category 1), above, to be able to respect confidentiality, they must be in a confidential relationship with the person reporting, such that they are within the scope of their licensure, professional ethics, or confidential role at the time of receiving the Notice. These individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor, elder, or individual with a disability, or when required to disclose by law or court order.

Employees who have confidentiality as described above, and who receive Notice within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner.

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with the following Confidential Employee(s):

Sheldon G. Aaron

Assistant Professor, Counseling and Behavioral Health Department
sheldon_aaron@williamjames.edu

Joan Axelrod

Director of the Academic Resource Center
joan_axelrod@williamjames.edu

Dr. Robyn Bratica

Associate Professor, School Psychology Department
Director, MA/CAGS in School Psychology
robyn_bratica@williamjames.edu

Dr. Matthew Carper

Assistant Professor, Clinical Psychology Department
Associate Director, Center for Psychological Science
Consulting Psychologist, Youth and Family Psychotherapy Services
matthew_carper@williamjames.edu

Ellen Collins

Associate Director of Payroll and Benefits
ellen_collins@williamjames.edu

Amanda Omalek

Department Coordinator
Organizational and Leadership Psychology Department
amanda_omalek@williamjames.edu

In addition, Complainants may speak with individuals unaffiliated with William James College without concern that the Policy will require them to disclose information to the institution without permission:

- Licensed professional counselors and other medical providers who are not employed by William James College.
- Local rape crisis or domestic violence counselors such as the [Boston Area Rape Crisis Center \(BARCC\)](#). For assistance 24 hours a day, you may contact the BARCC hotline at 800-841-8371.
- Domestic violence resources such as [Casa Myrna Vasquez](#). For assistance 24 hours a day, you may contact the SafeLink hotline, a Massachusetts statewide toll-free domestic violence hotline, at 877-785-2020.
- Local or state assistance agencies
- Clergy/Chaplains
- Attorneys

For Employees Only:

William James College also offers an Employee Assistance Program through UNUM. This service is provided at no cost to employees who work at least 24 hours a week. Employees may call and speak confidentially to a master's level consultant to help you or a family member to locate child or elder care, speak with financial experts, help with personal or work issues, help with depression or grief, issues surrounding substance abuse, and much more.

Toll-free, 24-hour access

- 800-854-1446: English
- 877-858-2147: Spanish
- 800-999-3004 TTY/TOD

Online access: www.lifebalance.net; user ID and password lifebalance

Disability-based Grievances and Complaints

Employees

Employee grievances related to disability status and/or provision of accommodations are addressed using the procedures in the Faculty and Employee Handbook(s). However, allegations of discrimination on the basis of an actual or perceived disability, including instances in which the provision of reasonable accommodations has a discriminatory effect, will be resolved under this Policy and the Resolution Process.

For details relating to the employee disability accommodations process at William James College, please contact the Vice President for Finance and Operations:

Daniel Brent

Vice President for Finance and Operations (Also known as the Administrator and Deputy Coordinator for Employees)

Room 543

William James College, 1 Wells Ave., Newton, MA

(617) 327-6777, extension 1532

dan_brent@williamjames.edu

Students

Student grievances related to disability status and/or provision of accommodations are addressed using the procedures in the Student Handbooks:

<https://www.williamjames.edu/academics/academic-affairs/index.html>. However, allegations of discrimination on the basis of an actual or perceived disability, including instances in which the provision of reasonable accommodations has a discriminatory effect, will be resolved under this Policy and the Resolution Process.

For details relating to the student disability accommodations process at William James College, please contact the Dean of Students.

Dr. Ann E. Coyne
Dean of Students
Dean of Students Office, Suite 448
William James College, 1 Wells Ave., Newton, MA
(617) 327-6777, extension 2241
ann_coyne@williamjames.edu
Pronouns: She, Her, Hers

For details relating to the field placement disability accommodations process, students should contact their field placement supervisor or the human resources office of their field placement site. Requests for field placement disability accommodations should be made in writing. Students are encouraged to maintain copies of all correspondence with their field placement supervisor and/or the human resources office at their field placement site.

Scope

This Policy is only applicable to alleged incidents that occur on or after August 1, 2024. For alleged incidents of sexual harassment occurring prior to August 1, 2024, the policy and procedures in place at the time of the alleged incident apply. Applicable versions of those policies and procedures are available from the Administrator and at this <<link>>:

This Policy applies to all faculty, employees, students, and other individuals participating in or attempting to participate in William James College programs or activities, including education and employment.

This Policy prohibits all forms of discrimination on the basis of the protected characteristic(s) listed in the Notice of Non-Discrimination. The Resolution Process may be applied to incidents, to patterns, and/or to the institutional culture/climate, all of which may be addressed in accordance with this Policy.

Jurisdiction

This Policy applies to William James College's education programs and activities (defined as including locations, events, or circumstances in which William James College exercises substantial control over both the Respondent and the context in which the conduct occurred), circumstances where William James College has disciplinary authority, and to misconduct occurring within any building owned or controlled by William James College. A Complainant does not have to be a member of the William James College community to file a Complaint, at the discretion of the Administrator.

This Policy may also apply to the effects of off-campus misconduct that limit or deny a person's access to William James College's education program or activities. William

James College may also extend jurisdiction to off-campus and/or to online conduct when the conduct affects a substantial William James College interest.

A substantial William James College interest includes:

- 1) Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.
- 2) Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student, employee, or other individual.
- 3) Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder.
- 4) Any situation that substantially interferes with William James College's educational interests or mission.

For disciplinary action to be taken under this Policy, the Respondent must be a William James College faculty member, student, or employee at the time of the alleged incident. If the Respondent is unknown or is not a member of the William James College community, Administrator will offer to assist the Complainant in identifying appropriate institutional and local resources and support options and will implement appropriate supportive measures and/or remedial actions (e.g., banning a person from campus). William James College can also assist in contacting local law enforcement if the individual would like to file a police report about criminal conduct.

All vendors serving William James College through third-party contracts are subject to the policies and procedures of their employers.

When the Respondent is enrolled in or employed by another institution, the Administrator can assist the Complainant in contacting the appropriate individual at that institution, as it may be possible to pursue action under that institution's policies.

Similarly, the Administrator may be able to assist and support a student or employee Complainant who experiences discrimination in a field placement assignment, study abroad program, or other environment external to William James College where sexual harassment or non-discrimination policies and procedures of the facilitating or host organization may give the Complainant recourse. If there are effects of that external conduct that impact a student or employee's work or educational environment, those effects can often be addressed remedially by the Administrator if brought to their attention.

Supportive Measures

William James College will offer and implement appropriate and reasonable supportive measures to the Parties upon Notice of alleged discrimination, harassment, and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available. They are offered, without fee

or charge to the Parties, to restore or preserve access to William James College's education program or activity, including measures designed to protect the safety of all Parties and/or William James College's educational environment and/or to deter discrimination, harassment, and/or retaliation.

The Administrator promptly makes supportive measures available to the Parties upon receiving Notice/Knowledge or a Complaint. At the time that supportive measures are offered, if a Complaint has not been filed, William James College will inform the Complainant, in writing, that they may file a Complaint with William James College either at that time or in the future. The Administrator will work with a party to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

William James College will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair William James College's ability to provide those supportive measures. William James College will act to ensure as minimal an academic/occupational impact on the Parties as possible. William James College will implement measures in a way that does not unreasonably burden any party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Referral for visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Transportation assistance
- Implementing contact limitations (no contact orders) between the Parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Any other actions deemed appropriate by the Administrator(s)

Violations of no contact orders or other restrictions may be referred to appropriate student or employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing Complaint under this Policy.

The Parties are provided with a timely opportunity to seek modification or reversal of William James College's decision to provide, deny, modify, or terminate supportive measures applicable to them. A request to do so should be made in writing to the Administrator. An impartial employee other than the employee who implemented the

supportive measures, who has authority to modify or reverse the decision, will determine whether to provide, deny, modify, or terminate the supportive measures if they are inconsistent with the definition of supportive measures in § 106.2 of the federal Title IX Regulations. William James College will also provide the Parties with the opportunity to seek additional modification or termination of supportive measures applicable to them if circumstances change materially. William James College typically renders decisions on supportive measures within seven (7) business days of receiving a request and provides a written determination to the impacted party(ies) and the Administrator(s).

Online Harassment and Misconduct

William James College policies are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on William James College's education program and activities, or when they involve the use of William James College networks, technology, or equipment.

Although William James College may not control websites, social media, and other venues through which harassing communications are made, when such communications are reported to William James College, it will engage in a variety of means to address and mitigate the effects. These means may include use of the Resolution Process to address off-campus conduct whose effects contribute to limiting or denying a person access to Recipient's education program or activity.

Off-campus harassing speech by employees, whether online or in person, may be regulated by William James College only when such speech is made in an employee's official or work-related capacity.

Inclusion Related to Gender Identity/Expression

William James College strives to ensure that all individuals are safe, included, and respected in their working and learning environments, regardless of their gender identity or expression, including intersex, nonbinary, transgender, agender, two-spirit, and gender-diverse students and employees.

Discrimination and harassment on the basis of gender identity or expression are not tolerated by William James College. If a member of the William James College community believes they have been subjected to discrimination under this Policy, they should follow the appropriate reporting process described herein.

In upholding the principles of equity and inclusion, William James College supports the full integration and healthy development of those who are transgender, transitioning, nonbinary, or gender-diverse, and seeks to eliminate any stigma related to gender identity and expression.

William James College is committed to fostering a climate where all identities are valued, contributing to a more vibrant and diverse community. The purpose of this

Policy is to have William James College administratively address issues that some students and employees, including those identifying as intersex, transgender, agender, nonbinary, and gender-diverse, may confront as they navigate systems originally designed around the assumption that gender is binary. As our society's understanding of gender evolves, so do William James College's processes and policies.

Concepts like misgendering and deadnaming may not be familiar to all, but understanding them is essential to William James College's goal of being as welcoming and inclusive a community as possible.

Misgendering or mispronouncing is the intentional or unintentional use of pronouns or identifiers that are different from those used by an individual. Unintentional misgendering is usually resolved with a simple apology if someone clarifies their pronouns for you. Intentional misgendering is inconsistent with the type of community we hold ourselves out to be and may constitute a Policy violation if the effect is greater than *de minimis* harm. We each have a right to determine our own gender identity and expression, but we don't get to choose or negate someone else's.

Deadnaming means using someone's birth-assigned (cisgender) name, rather than the name they have chosen. Deadnaming, along with misgendering, can be very traumatic to a person who is transgender, transitioning, nonbinary, or gender-diverse.

To a person who is transgender, transitioning, nonbinary, or gender-diverse, their cisgender identity may be something that is in their past -- dead, buried, and behind them. To then revive their deadname could trigger issues, traumas, and experiences of the past that the individual has moved past, or is moving past, and can interfere with their health and well-being.

Unintentional deadnaming can be addressed by a simple apology and an effort to use the person's chosen name. Intentional deadnaming could be a form of bullying, outing, or harassment of an individual, and thus may constitute a Policy violation if the effect is greater than *de minimis* harm.

This Policy should be interpreted consistent with the goals of maximizing the inclusion of intersex, transgender, transitioning, agender, nonbinary, and gender-diverse students and employees, including:

- Maintaining the privacy of all individuals consistent with law
- Ensuring all students have equal access to educational programming, activities, and facilities, including restrooms and locker rooms
- Ensuring all employees have equal access to employment opportunities and work, service, or health-related facilities
- Providing professional development for employees and education for students on topics related to gender inclusion
- Encouraging all students and employees to respect the pronoun usage and identities of all members of the William James College community

William James College uses a number of interventions to address concerns that are raised related to gender-based harassment or discrimination, including problem-solving, intervention, confrontation, investigation, and Policy enforcement. When conflicts arise between the right of members of the community to be free from gender-identity discrimination and the right of those exercising their right to religious freedom, William James College will try to balance rights and interests to find mutually agreeable outcomes or compromises. When that is not possible, William James College will offer remedial solutions or enforce its Policies while also respecting the rights of all members of its community.

Prohibited Conduct

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discrimination, harassment, and retaliation. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited discrimination, harassment, and retaliation that are also prohibited under William James College Policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of William James College Policy, though supportive measures will be offered to those impacted.

All offense definitions below encompass actual and/or attempted offenses.

Any of the following offenses can be charged as or combined as pattern offenses, in which case the Notice of Investigation and Allegation (NOIA) will clearly indicate that both individual incidents and a pattern of conduct are being investigated. A pattern may exist and be charged when there is a potential substantial similarity to incidents where the proof of one could make it more likely that the other(s) occurred, and vice-versa. Patterns may exist based on target selection, similarity of offense, or other factors. Where a pattern is found, it can be the basis to enhance sanctions, accordingly.

Violation of any other William James College policies may constitute discrimination or harassment when motivated by actual or perceived protected characteristic(s), and the result is a limitation or denial of employment or educational access, benefits, or opportunities.

Discrimination

Discrimination is different treatment with respect to an individual's employment or participation in an education program or activity based, in whole or in part, upon the individual's actual or perceived protected characteristic. Discrimination also includes allegations of a failure to provide reasonable accommodations as required by law or policy, such as for disability, religion, or creed.

Discrimination can take two primary forms:

Disparate Treatment Discrimination:

Any intentional differential treatment of a person or persons that is based on an individual's actual or perceived protected characteristic and that:

- Excludes an individual from participation in;
- Denies the individual benefits of; or
- Otherwise adversely affects a term or condition of an individual's participation in a William James College program or activity.

Disparate Impact Discrimination:

Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on a protected group or person that:

- Excludes an individual from participation in;
- Denies the individual benefits of; or
- Otherwise adversely affects a term or condition of an individual's participation in a William James College program or activity.

Discriminatory Harassment

Discriminatory harassment is unwelcome conduct on the basis of actual or perceived protected characteristic(s), that based on the totality of the circumstances, is subjectively and objectively offensive, and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from William James College's education program or activity.

Sex-based Harassment (Applicable under Title IX, Title VII, and the Fair Housing Act)

Sex-based Harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; sexual assault, dating violence, domestic violence, and stalking.

Quid pro quo:

- An employee agent, or other person authorized by William James College,
- To provide an aid, benefit, or service under William James College's education program or activity,
- Explicitly or impliedly conditioning the provision of such aid, benefit, or service,
- On a person's participation in unwelcome sexual conduct.

Hostile Environment Harassment:

- Unwelcome sex-based conduct, that
- Based on the totality of the circumstances, is subjectively **and** objectively offensive, **and** is so severe or pervasive, that it limits or denies a person's ability

to participate in or benefit from William James College's education program or activity

William James College reserves the right to address offensive conduct and/or harassment that (1) does not rise to the level of creating a hostile environment, or (2) that is of a generic nature and not based on a protected characteristic. Addressing such conduct will not result in the imposition of discipline under William James College Policy, but may be addressed through respectful conversation, remedial actions, education, effective Alternative Resolution, and/or other Informal Resolution mechanisms.

For assistance with Alternative Resolution and other Informal Resolution techniques and approaches, contact the Administrator.

Sexual Assault:

Any sexual act, including Rape, Sodomy, Sexual Assault with an Object, or Fondling directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; also unlawful sexual intercourse.

Rape:

Penetration, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity

Sodomy:

Oral or anal penetration of the Complainant by the Respondent without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity

Sexual Assault with an Object:

Respondent's use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of the Complainant, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity

Fondling:

The touching of the private body parts (breasts, buttocks, groin) of the Complainant by the Respondent or causing the Complainant to touch the Respondent's private body parts intentionally for a sexual purpose without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity or physical incapacity.

Incest:

Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Massachusetts law.

Statutory Rape:

Nonforcible sexual intercourse with a person who is under the statutory age of consent in the Commonwealth of Massachusetts.

Dating Violence:

Violence committed by a Respondent, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant; **and** where the existence of such a relationship shall be determined based on a consideration of the following factors: length of the relationship, type of relationship, frequency of the interaction between the Parties involved in the relationship.

Domestic Violence:

Felony or misdemeanor crimes committed by a person who: is a current or former spouse or intimate partner of the Complainant under the family or domestic violence laws of the Commonwealth of Massachusetts or a person similarly situated to a spouse of the Complainant is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner; shares a child in common with the Complainant; **or** commits acts against a youth or adult Complainant who is protected from those acts under the family or domestic violence laws of the Commonwealth of Massachusetts.

Stalking:

Engaging in a course of conduct on the basis of sex, that is, directed at a specific person that would cause a reasonable person to: fear for the person's safety, or the safety of others; or suffer substantial emotional distress.

Sanction Ranges

The range of sanctions for sex discrimination is warning through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.

The range of sanctions for Quid Pro Quo harassment is warning through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.

The range of sanctions for Hostile Environment harassment is warning through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.

The range of sanctions for Rape is suspension through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.

The range of sanctions for Sexual Assault with an Object is suspension through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.

The range of sanctions for Sodomy is suspension through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.

The range of sanctions for Fondling is warning through suspension (termination for employees). Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.

The range of sanctions for Incest is warning through probation. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.

The range of sanctions for Statutory Rape is warning through suspension (termination for employees). Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.

The range of sanctions for Stalking is probation through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.

The range of sanctions for Dating/Domestic Violence is probation through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.

The range of sanctions for Sexual Exploitation is warning through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.

The range of sanctions for Retaliation is warning through expulsion/termination. Sanctions can be assigned outside this range based on aggravating or mitigating circumstances, or the cumulative conduct record of the Respondent.

Sexual Misconduct

Sexual Exploitation:

An individual taking non-consensual or abusive sexual advantage of another, that does not constitute Sex-based Harassment as defined above for their own benefit or for the benefit of anyone other than the person being exploited.

Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- Invasion of sexual privacy (e.g., doxxing)
- Knowingly making an unwelcome disclosure of (or threatening to disclose) an individual's sexual orientation, gender identity, or gender expression
- Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity; or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of non-consensual pornography
- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing)
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Knowingly creating, possessing, or disseminating child sexual abuse images or recordings
- Creating or disseminating synthetic media, including images, videos, or audio representations of individuals doing or saying sexually-related things that never happened, or placing identifiable real people in fictitious pornographic or nude situations without their consent (i.e., Deepfakes)
- Creating or disseminating images or videos of child sexual abuse material

- Unwelcome or offensive exposure of genitals to one or more persons, and other lewd or indecent conduct

Other Prohibited Conduct

Bullying:

Repeated and/or severe aggressive behavior that is likely to intimidate or intentionally hurt, control, or physically or mentally diminish the Complainant, that is not speech or conduct that is otherwise protected by the First Amendment.

Endangerment:

Threatening or causing physical harm; extreme verbal, emotional, or psychological abuse; or other conduct which threatens or endangers the health or safety of any person or damages their property.

Hazing:

Any act or action, whether on public or private property, which does or is likely to endanger the mental or physical health or safety of any individual as it relates to an individual's initiation, admission into, or affiliation with any William James College group or organization.

For the purposes of this definition:

It is not necessary that a person's initiation or continued membership is contingent upon participation in the activity, or that the activity was sanctioned or approved by the student group or student organization, for an allegation of hazing to be upheld.

It shall not constitute an excuse or defense to a hazing allegation that the participants took part voluntarily, gave consent to the conduct, voluntarily assumed the risks or hardship of the activity, or that no injury was suffered or sustained.

The actions of alumni, active, new, and/or prospective members of a student group or student organization may be considered hazing.

Hazing is not confined to the student group or student organization with which the individual subjected to the hazing is associated.

The Massachusetts Hazing Law provides that the principal organizer(s) or participant(s) in hazing may be punished by a fine of not more than three thousand dollars, imprisonment for not more than one year, or both. The law also requires that whoever knows that another person is the victim of hazing and is at the scene of the hazing shall, to the extent possible without danger to themselves or others, report the hazing to an appropriate law enforcement official as soon as reasonably practicable. Failure to report such hazing may be punished by a fine of not more than one thousand dollars.

All student groups, teams, and organizations (a) recognized by William James College; (b) permitted by William James College to use its name or facilities; or (c) known by

William James College to exist as an unaffiliated student group, team or organization, shall distribute a copy of the Massachusetts Hazing Law to each of its members, plebes, pledges, or applicants for membership. Each such group, team, or organization, through its designated officer, shall deliver annually to William James College an attested acknowledgement stating that such group, team, or organization received a copy of the Massachusetts Hazing Law and that each of its constituents has received a copy of sections 17 and 18 of the statute, and that such group, team, or organization understands and agrees to comply with the law.

The William James College Dean of Students Office oversees compliance with the Massachusetts Hazing Law. All questions concerning the law or this policy should be directed to:

Dr. Ann Coyne

Dean of Students (Also known as the Administrator and Deputy Title IX Coordinator for Students)

Dean of Students Office, Suite 448

William James College, 1 Wells Ave., Newton, MA

(617) 327-6777, extension 2241

ann_coyne@williamjames.edu

Pronouns: She, Her, Hers

Retaliation:

Adverse action, including intimidation, threats, coercion, or discrimination, against any person, by William James College, a student, employee, or a person authorized by William James College to provide aid, benefit, or service under the College's education program or activity, for the purpose of interfering with any right or privilege secured by law or Policy, or because the person has engaged in protected activity, including reporting information, making a Complaint, testifying, assisting, or participating or refusing to participate in any manner in an investigation or Resolution Process, including an Informal Resolution process, or in any other appropriate steps taken by William James College to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects.

The exercise of rights protected under the First Amendment does not constitute retaliation. It is also not retaliation for William James College to pursue Policy violations against those who make materially false statements in bad faith in the course of a resolution under the Policy. However, the determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.

Unauthorized Disclosure:

Distributing or otherwise publicizing materials created or produced during an investigation or Resolution Process except as required by law or as expressly permitted by William James College; or publicly disclosing a party's personally identifiable information without authorization or consent.

Failure to Comply/Process Interference:

Intentional failure to comply with the reasonable directives of Administrator(s) in the performance of their official duties, including with the terms of a no contact order.

Intentional failure to comply with emergency removal or interim suspension terms

Intentional failure to comply with sanctions

Intentional failure to adhere to the terms of an agreement achieved through informal resolution

Intentional failure to comply with mandated reporting duties as defined in this Policy

Intentional interference with the Title IX resolution process, including but not limited to:

Destruction of Or Concealing of Evidence:

Actual or attempted solicitation of knowingly false testimony or providing false testimony or evidence or intimidating or bribing a witness or party

Sanctions for the above-listed Civil Rights Offenses range from warning through expulsion/termination.

Consent, Force, and Incapacitation

As used in this Policy, the following definitions and understandings apply:

Consent

Consent is defined as: knowing, and voluntary, and clear permission by word or action to engage in sexual activity.

Individuals may perceive and experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent is evaluated from the perspective of what a reasonable person would conclude are mutually understandable words or actions. Reasonable reciprocation can establish consent. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to be kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, sexual activity should cease within a reasonably immediate time.

Silence or the absence of resistance alone should not be interpreted as consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Consent to some sexual contact (such as kissing or fondling) cannot be assumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. If an individual expresses conditions on their willingness to consent (e.g., use of a condom) or limitations on the scope of their consent, those conditions and limitations must be respected. If a sexual partner shares the clear expectation for the use of a condom, or to avoid internal ejaculation, and those expectations are not honored, the failure to use a condom, removing a condom, or internal ejaculation can be considered acts of sexual assault.

Proof of consent or non-consent is not a burden placed on either party involved in Complaint. Instead, the burden remains on William James College to determine whether its Policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged misconduct occurred and any similar and previous patterns that may be evidenced.

Going beyond the boundaries of consent is prohibited. Thus, unless a sexual partner has consented to slapping, hitting, hair pulling, strangulation, or other physical roughness during otherwise consensual sex, those acts may constitute dating violence or sexual assault.

Force

Force is the use of physical violence and/or physical imposition to gain sexual access. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Force is conduct that, if sufficiently severe, can negate consent.

Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," which elicits the response, "Okay, don't hit me. I'll do what you want.").

Coercion is unreasonable pressure for sexual activity. Coercive conduct, if sufficiently severe, can render a person's consent ineffective, because it is not voluntary. When someone makes clear that they do not want to engage in sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. Coercion is evaluated based on the frequency, intensity, isolation, and duration of the pressure involved.

Incapacitation

Incapacitation is a state where a person is incapable of giving consent. An incapacitated person cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, and how” of their sexual interaction). A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including because of alcohol or other drug consumption.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating substances.

Incapacitation is determined through consideration of all relevant indicators of a person’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

If the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated, the Respondent is not in violation of this Policy. “Should have known” is an objective, reasonable person standard that assumes that reasonable person is both sober and exercising sound judgment.

Expectations Regarding Unethical Relationships

There are inherent risks in any romantic or sexual relationship between persons in unequal positions, such as faculty member-student or supervisor-employee. In reality, these relationships may be less consensual than perceived by the person whose position confers power or authority. Similarly, each of the Parties may view the relationship differently, particularly in retrospect. Circumstances may change, and once welcomed conduct may become unwelcome at some point in the relationship.

Even when the Parties have initially consented to romantic or sexual involvement, the possibility of a later allegation of a relevant Policy violation still exists. William James College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with William James College’s goals and policies. However, for the personal protection of members of this community, relationships in which power differentials are inherent (e.g., faculty-student, staff-student) are generally discouraged. They may also violate standards of professionalism and/or professional ethics.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or otherwise evaluative role over the other party are inherently problematic. Therefore, persons with direct supervisory or otherwise evaluative responsibilities who are involved in such relationships must promptly inform their supervisor and/or the Administrator. The existence of this type of relationship will likely result in removing the supervisory or evaluative responsibilities from the employee or shifting a party from being supervised or evaluated by someone with whom they have established a consensual relationship. When an applicable relationship existed prior to adoption of

this Policy or prior to employment, the duty to notify the appropriate supervisor still pertains.

Standard of Proof

William James College uses the preponderance of the evidence standard of proof when determining whether a Policy violation occurred. This means that William James College will decide whether it is more likely than not, based upon the available information at the time of the decision, that the Respondent is in violation of the alleged Policy violation(s).

Reports/Complaints of Discrimination, Harassment, and/or Retaliation

A Report provides notice to William James College of an allegation or concern about discrimination, harassment, or retaliation and provides an opportunity for the Administrator(s) to provide information, resources, and supportive measures. A Complaint provides notice to William James College that the Complainant would like to initiate an investigation or other appropriate resolution procedures. A Complainant or individual may initially make a report and may decide at a later time to make a Complaint. Reports or Complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

- 1) File a Complaint with, or give verbal Notice directly to, the Administrator. Such a Complaint may be made at any time (including during non-business hours) by contacting the Administrator(s) at TitleIX@williamjames.edu using the telephone number, email address, or by mail to the office of the Administrator or any other Non-Discrimination Team member listed in this Policy.

For Students:

Dr. Ann E. Coyne

Dean of Students (Also known as the Deputy Title IX Coordinator for Students)

Dean of Students Office, Suite 448

William James College, 1 Wells Ave., Newton, MA

(617) 327-6777, extension 2241

ann_coyne@williamjames.edu

Pronouns: She, Her, Hers

For Employees:

Daniel Brent (Also known as the Administrator and Deputy Coordinator for Employees)

Vice President for Finance and Operations

Room 543

William James College, 1 Wells Ave., Newton, MA

(617) 327-6777, extension 1532

dan_brent@williamjames.edu

Pronouns: He, His, Him

Submit online Notice at https://williamjames.co1.qualtrics.com/jfe/form/SV_0PMO4qA2jvd39DU. Anonymous Notice is accepted, but the Notice may give rise to a need to try to determine the Parties' identities. Anonymous Notice typically limits William James College's ability to investigate, respond, and provide remedies, depending on what information is shared. Measures intended to protect the community or redress or mitigate harm may be enacted. It also may not be possible to provide supportive measures to Complainants who are the subjects of an Anonymous Notice.

Reporting carries no obligation to initiate a Complaint, and in most situations, William James College is able to respect a Complainant's request to not initiate a resolution process. However, there may be circumstances, such as pattern behavior, allegations of severe misconduct, or a compelling threat to health and/or safety, where William James College may need to initiate a resolution process. If a Complainant does not wish to file a Complaint, William James College will maintain the privacy of information to the extent possible. The Complainant should not fear a loss of confidentiality by giving Notice that allows William James College to discuss and/or provide supportive measures, in most circumstances.

Time Limits on Reporting

There is no time limitation on providing Notice/Complaints to the Administrator. However, if the Respondent is no longer subject to William James College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible.

Acting on Notice/Complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of Policy) is at the Administrator's discretion; they may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

False Allegations and Evidence

Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a determination of a Policy violation.

Additionally, witnesses and Parties who knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting an investigation or resolution process can be subject to discipline under appropriate William James College policies.

Confidentiality/Privacy

William James College makes every effort to preserve the Parties' privacy. William James College will not share the identity of any individual who has made a Complaint of

harassment, discrimination, or retaliation; any Complainant; any individual who has been reported to be the perpetrator of discrimination, harassment, or retaliation; any Respondent; or any witness, except as permitted by, or to fulfill the purposes, of applicable laws and regulations (e.g., Title IX), Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, or as required by law; including any investigation, or resolution proceeding arising under these policies and procedures.

For the purpose of this Policy, the terms privacy, confidentiality, and privilege have distinct meanings.

Privacy. Means that information related to a complaint will be shared with a limited number of William James College employees who “need to know” in order to assist in providing supportive measures or evaluating, investigating, or resolving the Complaint. All employees who are involved in William James College’s response to Notice under this Policy receive specific training and guidance about sharing and safeguarding private information in accordance with federal and state law.

Confidentiality. Exists in the context of laws or professional ethics (including Title IX) that protect certain relationships, including clinical care, mental health providers, and counselors. Confidentiality also applies to those designated by William James College as Confidential Employees for purposes of reports under this Policy, regardless of legal or ethical protections. When a Complainant shares information with a Confidential Employee, the Confidential Employee does not need to disclose that information to the Title IX Coordinator. The Confidential Employee will, however, provide the Complainant with the Title IX Coordinator’s contact information, assist the Complainant in reporting, if desired, and provide them with information on how the Administrator(s) can assist them. With respect to Confidential Employees, information may be disclosed when: (1) the reporting person gives written consent for its disclosure; (2) there is a concern that the person will likely cause serious physical harm to self or others; or (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or persons with disabilities. Non-identifiable information may be shared by Confidential Employees for statistical tracking purposes as required by the Clery Act/Violence Against Women Act (VAWA). Other information may be shared as required by law.

Privilege. Exists in the context of laws that protect certain relationships, including attorneys, spouses, and clergy. Privilege is maintained by a provider unless a court orders release or the holder of the privilege (e.g., a client, spouse, parishioner) waives the protections of the privilege.

William James College reserves the right to determine which William James College officials have a legitimate educational interest in being informed about student-related incidents that fall under this Policy, pursuant to FERPA.

Only a small group of officials who need to know will typically be told about the Complaint. Information will be shared as necessary with Investigators, Decision-makers,

Appeal Decision-makers, witnesses, the Parties, and the Parties' Advisors. The circle of people with this knowledge will be kept as tight as possible to preserve the Parties' rights and privacy, and release is governed by the institution's unauthorized disclosure policy.

William James College may contact students' parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student prior to doing so.

Unauthorized Disclosure of Information

Parties and Advisors are prohibited from unauthorized disclosure of information obtained by William James College through the Resolution Process to the extent that information is the work product of William James College (meaning it has been produced, compiled, or written by William James College for purposes of its investigation and resolution of a Complaint). It is also a violation of William James College Policy to publicly disclose work product or a party's personally identifiable information without authorization or consent. Violation of this Policy is subject to significant sanctions.

Emergency Removal/Interim Actions/Leaves

William James College can act to remove a student Respondent accused of Sex Discrimination or Sex-based Harassment from its education program or activities, partially or entirely, on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator and may be done in conjunction with the Behavioral Intervention Team or other risk-assessment personnel using its standard objective violence risk assessment procedures.

Employees are subject to existing procedures for interim actions and leaves.

Federal Timely Warning Obligations

William James College must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the William James College community.

William James College will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

Amnesty

The William James College community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to give Notice to William James College officials or participate in resolution

processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the William James College community that Complainants choose to give Notice of misconduct to William James College officials, that witnesses come forward to share what they know, and that all Parties be forthcoming during the process.

To encourage reporting and participation in the process, William James College maintains a policy of offering Parties and witnesses amnesty from minor policy violations, such as underage alcohol consumption or the use of illicit drugs, related to the incident. Granting amnesty is a discretionary decision made by William James College, and amnesty does not apply to more serious allegations, such as physical abuse of another or illicit drug distribution.

Students

William James College maintains an amnesty policy for students who offer help to others in need.

Employees

Sometimes, employees are hesitant to report discrimination, harassment, or retaliation they have experienced for fear of getting in trouble themselves. William James College may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

Preservation of Evidence

The preservation of evidence is critical to potential criminal prosecution and to obtaining restraining/protective orders, and it is particularly time sensitive. William James College will inform the Complainant of the importance of preserving evidence by taking actions such as the following:

Sexual Assault

- Seek forensic medical assistance at the nearest hospital, ideally within 120 hours of the incident (sooner is better).
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or a secure evidence container (if provided one by law enforcement)
- Seeking medical treatment can be essential, even if it is not for the purposes of collecting forensic evidence.

Stalking/Dating Violence/Domestic Violence/Sex-Based Harassment

- Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.
 - Make a secondary recording of any voice messages and/or save the audio files to a cloud server.
 - Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
- Save copies of email and social media correspondence, including notifications related to account access alerts.
- Take timestamped photographs of any physical evidence, including notes, gifts, etc., in place when possible.
- Save copies of any messages, including those showing any request for no further contact.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

During the initial meeting between the Complainant and Administrator, the importance of taking these actions will be discussed, if timely.

Federal Statistical Reporting Obligations

Certain institutional officials (those deemed “Campus Security Authorities”) have a duty to report the following for federal statistical reporting purposes under the Clery Act:

Daniel Brent

Vice President for Finance and Operations (Also known as the Administrator and Deputy Coordinator for Employees)

Room 543

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- 1) All “primary crimes,” which include criminal homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson
- 2) Hate crimes, which include any bias-motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property
- 3) Violence Against Women Act (VAWA-based crimes), which include sexual assault, domestic violence, dating violence, and stalking
- 4) Arrests and referrals for disciplinary action for weapons law violations, liquor law violations, and drug law violations

All personally identifiable information is kept private, but statistical information regarding the type of incident and its general location (on- or off-campus or in the surrounding

area, but no addresses are given) must be shared with the Clery Coordinator for publication in the Annual Security Report and daily campus crime log. Campus Security Authorities include student affairs/student conduct staff, local police, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

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Independence and Conflicts of Interest

The Administrator (Deputy Title IX Officer) manages the Bias Incident Team and acts with independence and authority, free from bias and conflicts of interest. The Administrator oversees all resolutions under this Policy and these procedures. The members of the Resolution Pool are vetted and trained to ensure they are not biased for or against any party in a specific Complaint, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Administrator, contact the William James College President.

Dr. Nicholas Covino

President

5th floor Suite

William James College, 1 Wells Ave., Newton, MA

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Concerns of bias, misconduct, discrimination, or a potential conflict of interest by any other Resolution Pool member should be raised with the Administrator.

Daniel Brent

Vice President for Finance and Operations (Also known as the Administrator and Deputy Coordinator for Employees)

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Dr. Ann E. Coyne
Dean of Students
Dean of Students Office, Suite 448
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Revision of this Policy

This Policy succeeds previous policies addressing discrimination, harassment, sexual misconduct, and/or retaliation, though previous policies and procedures remain in force for incidents occurring before August 1, 2024. The Administrator's reviews and updates these policies and procedures regularly. William James College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

If government laws or regulations change or court decisions alter the requirements in a way that impacts this document, this document will be construed to comply with the most recent government laws, regulations, or court holdings.

This document does not create legally enforceable protections beyond the protections of the background state and federal laws that frame such policies and codes, generally.

This Policy is effective August 1, 2024.

PART 2 OF 2 PARTS

RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE EQUAL OPPORTUNITY, HARASSMENT, AND NON-DISCRIMINATION POLICY (Hereinafter the “Resolution Process”)

Overview

William James College will act on any Notice, Complaint, or Knowledge of a potential violation of the Equal Opportunity, Harassment, and Non-Discrimination Policy (“the Policy”) that is received by the Administrator or any other Mandated Reporter by applying the Resolution Process below.

The procedures below apply to all allegations of discrimination on the basis of an actual or perceived protected characteristic, harassment, retaliation, or Other Prohibited Conduct as involving students, staff, administrators, faculty members, or third parties.

Notice/Complaint

Upon receipt of Notice, a Complaint, or Knowledge of an alleged Policy violation, the Administrator will initiate a prompt initial evaluation to determine William James College’s next steps. The Administrator will contact the Complainant/source of the Notice to offer supportive measures, provide information regarding resolution options, and determine how they wish to proceed.

Collateral Misconduct

Collateral misconduct is defined to include potential violations of other William James College policies not incorporated into the Equal Opportunity, Harassment, and Non-Discrimination Policy that occur in conjunction with alleged violations of the Policy, or that arise through the course of the investigation, for which it makes sense to provide one resolution for all charges. Thus, the collateral allegations may be charged along with potential violations of the Policy, to be resolved jointly under these procedures. In such circumstances, the Administrator may consult with William James College officials who typically oversee such conduct (e.g., human resources, student conduct, academic affairs) to solicit their input as needed on what charges should be filed, but the exercise of collateral charges under these procedures is within the discretion of the Administrator. All other allegations of misconduct unrelated to incidents covered by the Policy will typically be addressed separately through procedures described in the student, faculty, and staff handbooks.

Initial Evaluation

The Administrator will conduct an initial evaluation typically within seven (7) business days of receiving Notice/Complaint/Knowledge of alleged misconduct. The initial evaluation typically includes:

Assessing whether the reported conduct may reasonably constitute a violation of the Policy. If the conduct may not reasonably constitute a violation of the Policy, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. It may then be referred to another process, if applicable.

Determining whether William James College has jurisdiction over the reported conduct, as defined in the Policy. If the conduct is not within William James College's jurisdiction, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. If applicable, the conduct will be referred to the appropriate William James College office for resolution.

Offering and coordinating supportive measures for the Complainant.

Offering and coordinating supportive measures for the Respondent, as applicable.

Notifying the Complainant, or the person who reported the allegation(s), of the resolution procedures, including a supportive and remedial response, an Informal Resolution option, or the Administrative Resolution Process described below.

Determining whether the Complainant wishes to make a Complaint.

Notifying the Respondent of the resolution procedures, including a supportive and remedial response, an Informal Resolution option, or the Administrative Resolution Process described below, if a Complaint is made.

Helping a Complainant to Understand Options

If the Complainant indicates they wish to initiate a Complaint (in a manner that can reasonably be construed as reflecting intent to make a Complaint), the Administrator will help to facilitate the Complaint, which will include:

Working with the Complainant to determine whether the Complainant wishes to pursue one of three resolution options:

- A supportive and remedial response, and/or
- Informal Resolution, including Alternative Resolution or
- The Administrative Resolution Process described below.

The Administrator will seek to abide by the wishes of the Complainant but may have to take an alternative approach depending on their analysis of the situation.

If the Complainant elects for the Resolution Process below, and the Administrator has determined the Policy applies and that William James College has jurisdiction, they will route the matter to the appropriate Resolution Process, will provide the Parties with a Notice of Investigation and Allegation(s) (“NOIA”), and will initiate an investigation consistent with these procedures.

If any Party indicates (either verbally or in writing) that they want to pursue an Informal Resolution option, the Administrator will assess whether the matter is suitable for Informal Resolution and refer the matter, accordingly.

If the Complainant indicates (either verbally or in writing) that they do not want any action taken, no Resolution Process will be initiated (unless deemed necessary by the Administrator, though the Complainant can elect to initiate one of the three resolution options later, if desired.

Administrator Authority to Initiate a Complaint

If the Complainant does not wish to file a Complaint, the Administrator, who has ultimate discretion as to whether a Complaint is initiated, will offer supportive measures and determine whether to initiate a Complaint themselves. To make this determination, the Administrator will evaluate that request to determine if there is a serious and imminent threat to someone’s safety, or if William James College cannot ensure equal access to its Educational Program or Activity without initiating a Complaint. The Administrator will consider the following non-exhaustive factors to determine whether to file a Complaint:

- The Complainant’s request not to proceed with initiation of a Complaint.
- The Complainant’s reasonable safety concerns regarding initiation of a Complaint;
- The risk that additional acts of discrimination would occur if a Complaint is not initiated;
- The severity of the alleged discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- The age and relationship of the Parties, including whether the Respondent is a William James College employee;
- The scope of the alleged discrimination, including information suggesting a pattern, ongoing discrimination, or discrimination alleged to have impacted multiple individuals;
- The availability of evidence to assist a Decision-maker in determining whether discrimination occurred;

- Whether William James College could end the alleged discrimination and prevent its recurrence without initiating its Resolution Process.

If deemed necessary, the Administrator may consult with appropriate William James College employees, and/or conduct a violence risk assessment to aid their determination whether to initiate a Complaint.

When the Administrator initiates a Complaint, they do not become the Complainant. The Complainant is the person who experienced the alleged conduct that could constitute a violation of this Policy.

Dismissal of a Complaint

William James College **may** dismiss a Complaint if, at any time during the investigation or Resolution Process, one or more of the following grounds are met:

- 1) William James College is unable to identify the Respondent after taking reasonable steps to do so.
- 2) William James College no longer enrolls or employs the Respondent.
- 3) A Complainant voluntarily withdraws any or all of the allegations in the Complaint, and the Administrator declines to initiate a Complaint.
- 4) William James College determines the conduct alleged in the Complaint would not constitute a Policy violation, if proven.

A Decision-maker can recommend dismissal to the Administrator, if they believe the grounds are met. A Complainant who decides to withdraw a Complaint may later request to reinstate or refile it.

Upon any dismissal, William James College will promptly send the Complainant written notification of the dismissal and the rationale for doing so. If the dismissal occurs after the Respondent has been made aware of the allegations, William James College will also notify the Respondent of the dismissal.

This dismissal decision is appealable by any party.

Appeal of Dismissal of a Complaint

The Complainant may appeal a dismissal of their Complaint. The Respondent may also appeal the dismissal of the Complaint if dismissal occurs after the Respondent has been made aware of the allegations. All dismissal appeal requests must be filed within three (3) business days of the notification of the dismissal.

The Administrator will notify the Parties of any appeal of the dismissal. If, however, the Complainant appeals, but the Respondent was not notified of the Complaint, the Administrator must then provide the Respondent with a NOIA and notify the Respondent of the Complainant's appeal with an opportunity to respond.

Throughout the dismissal appeal process, William James College will:

- Implement dismissal appeal procedures equally for the Parties;
- Assign a trained Dismissal Appeal Officer who did not take part in an investigation of the allegations or dismissal of the Complaint;
- Provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the dismissal; and
- Notify the Parties of the result of the appeal and the rationale for the result.

The grounds for dismissal appeals are limited to:

- 1) Procedural irregularity that would change the outcome;
- 2) New evidence that would change the outcome and that was not reasonably available when the dismissal was decided;
- 3) The Administrator(s), Investigator, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome.
- 4) The dismissal was erroneously granted or denied.

Upon receipt of a dismissal appeal in writing from one or more Parties, the Administrator will share the appeal petition with the other Parties and provide three (3) business days for other Parties to respond to the appeal petition. The appeal should specify at least one of the grounds above and provide any reasons or supporting evidence for why the ground is met. This appeal will be provided in writing to the other Parties, and the Administrator, who will be invited to respond in writing. At the conclusion of the response period, the Administrator will forward the appeal, as well as any response provided by the other Parties, to the Dismissal Appeal Officer for consideration.

If the appeal petition does not provide information that meets the grounds in this policy, the request will be denied by the Dismissal Appeal Officer, and the Parties, their Advisors, and the Administrator will be notified in writing of the denial and the rationale.

If any of the asserted grounds in the appeal satisfy the grounds described in this policy, then the Dismissal Appeal Officer will notify all Parties and their Advisors, and the

Administrator, of their decision and rationale in writing. The effect will be to reinstate the Complaint.

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Dismissal Appeal Officer has seven (7) business days to review and decide on the appeal, though extensions can be granted at the discretion of the Administrator, and the Parties will be notified of any extension.

Appeal decisions are deferential to the original determination, making changes only if there is a compelling justification to do so. As applicable, the Dismissal Appeal Officer shall specify what compelling justification(s) support the reversal of the original determination in their written appeal decision.

The Dismissal Appeal Officer may consult with the Administrator and/or William James College's legal counsel on questions of procedure or rationale for clarification, if needed. The Administrator will maintain documentation of all such consultation.

Emergency Removal/Interim Suspension of a Student

William James College may emergency-remove a student accused of Sex Discrimination or Sex-based Harassment upon receipt of Notice/Knowledge, a Complaint, or at any time during the Resolution Process. Prior to an emergency removal, William James College will conduct an individualized risk assessment and may remove the student if that assessment determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies such action. Students accused of other forms of discrimination (not sex) are subject to interim suspension, which can be imposed for safety reasons.

When an emergency removal or interim suspension is imposed, wholly or partially, the affected student will be notified of the action, which will include a written rationale, and the option to challenge the emergency removal or interim suspension within two (2) business days of the notification. Upon receipt of a challenge, the Administrator will meet with the student (and their Advisor, if desired) as soon as reasonably possible thereafter to allow them to show cause why the removal/action should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal or interim suspension is appropriate, should be modified, or lifted. When this meeting is not requested within two (2) business days, objections to the emergency removal or interim suspension will be deemed waived. A student can later request a meeting to show why they are no longer an imminent and serious threat because conditions related to imminence or seriousness have changed. A Complainant and their Advisor may be permitted to participate in this meeting if the Administrator determine it is equitable to do so.

The Respondent may provide information, including expert reports, witness statements, communications, or other documentation for consideration prior to or during the meeting. When applicable, a Complainant may provide information to the Administrator for review.

An emergency removal or interim suspension may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The Administrator will communicate the final decision in writing, typically within three (3) business days of the review meeting.

Placing an Employee on Leave

When the Respondent is an employee, or a student employee accused of misconduct in the course of their employment, existing procedures for interim action are typically applicable instead of the above emergency removal process.

Counter-Complaints

William James College is obligated to ensure that the resolution process is not abused for retaliatory purposes. Although William James College permits the filing of Counter-Complaints, the Administrator will use an initial evaluation, described above, to assess whether the allegations in the Counter-Complaint are made in good faith. When Counter-Complaints are not made in good faith, they will not be permitted. They will be considered potentially retaliatory and may constitute a violation of the Policy.

Counter-Complaints determined to have been reported in good faith will be processed using the Resolution Process below. At the Administrator's discretion, investigation of such claims may take place concurrently or after resolution of the underlying initial Complaint.

Advisors in the Resolution Process

Who Can Serve as an Advisor?

The Parties may each have an Advisor (friend, mentor, family member, attorney, or any other individual a party chooses) present with them for all meeting and interviews within the Resolution Process, including intake. The Parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available.

The Administrator will offer to assign a trained Advisor to any party if the party chooses. If the Parties choose an Advisor from the pool available from William James College, the institution will have trained the Advisor and familiarized them with William James College's Resolution Process.

William James College cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not, or cannot

afford an attorney, William James College is not obligated to provide an attorney to advise that party.

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. Parties are expected to provide the Administrator with timely notification if they change Advisors. If a party changes Advisors, consent to share information with the previous Advisor is assumed to be terminated, and a release for the new Advisor must be submitted.

If a party requests that all communication be made through their attorney Advisor instead of to the party, William James College may refuse that request at the discretion of the Administrator and copy both the party and their Advisor on all communications.

Advisors appointed by William James College cannot be Confidential Employees, and although they will not be asked to disclose details of their interactions with their advisees to institutional officials or Decision-makers absent an emergency, they are still reminded of their Mandated Reporter responsibilities.

Advisor's Role in the Resolution Process

Advisors should help the Parties to prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Advisors may not provide testimony or speak on behalf of their advisee unless given specific permission to do so.

The Parties are expected to ask and respond to questions on their own behalf throughout the Resolution Process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Resolution Process meeting or interview. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow for private consultation.

Records Shared with Advisors

Advisors are entitled to the same opportunity as their advisee to access relevant evidence, and/or the same written investigation report that accurately summarizes this evidence.

Advisors are expected to maintain the confidentiality of the records William James College shares with them. Advisors may not disclose any William James College work product or evidence William James College obtained solely through the Resolution Process for any purpose not explicitly authorized by William James College.

Accordingly, Advisors will be asked to sign Non-Disclosure Agreements (NDAs). William James College may decline to share materials with any Advisor who has not executed the NDA. William James College may restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by William James College's confidentiality expectation.

William James College's Expectations of an Advisor

William James College generally expects an Advisor to adjust their schedule to allow them to attend William James College meetings and interviews when planned, but the William James College may change scheduled meetings and interviews to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

William James College may also make reasonable provisions to allow an Advisor who cannot be present in person to attend a meeting and interview by telephone, video conferencing, or other similar technologies.

All Advisors are subject to the same William James College policies and procedures, whether they are attorneys or not, and whether they are selected by a party or appointed by William James College. Advisors are expected to advise their advisees without disrupting proceedings.

Advisor Policy Violations

Any Advisor who oversteps their role as defined by the Policy, who shares information or evidence in a manner inconsistent with the Policy, or who refuses to comply with William James College's established rules of decorum, will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting or interview may be ended, or other appropriate measures implemented, including William James College requiring the party to use a different Advisor or providing a different William James College-appointed Advisor. Subsequently, the Administrator will determine how to address the Advisor's non-compliance and future role.

Resolution Option Overview

This Resolution Process, consisting of Informal Resolution or Administrative Resolution, is William James College's chosen approach to addressing all forms of discrimination on the basis of protected characteristics, harassment, and retaliation. The choice of Resolution Process considers the Parties' preferences but is ultimately at the Administrator's discretion.

Resolution proceedings are confidential. All individuals present at any time during the Resolution Process are expected to maintain the confidentiality of the proceedings in accordance with William James College Policy.

Informal Resolution

To initiate Informal Resolution, a Complainant or Respondent may make such a request to the Administrator at any time prior to a final determination, or the Administrator may offer the option to the Parties, in writing. William James College will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal

Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution.

Before initiation of an Informal Resolution process, William James College will provide the Parties with a NOIA that explains:

- The allegations;
- The requirements of the Informal Resolution process;
- That, prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and to initiate or resume William James College's Resolution Process;
- That the Parties' agreement to a resolution at the conclusion of the Informal Resolution process will preclude the Parties from initiating or resuming the Resolution Process arising from the same allegations;
- The potential terms that may be requested or offered in an Informal Resolution agreement, including notification that an Informal Resolution agreement is binding only on the Parties; and
- What information William James College will maintain, and whether and how it could disclose such information for use in its Resolution Process.

William James College offers four categories of Informal Resolution:

Supportive Resolution. When the Administrator can resolve the matter informally by providing supportive measures (only) designed to remedy the situation.

Educational Conversation. When the Administrator can resolve the matter informally by having a conversation with the Respondent to discuss the Complainant's concerns and institutional expectations or can accompany the Complainant in their desire to confront the conduct.

Accepted Responsibility. When the Respondent is willing to accept responsibility for violating Policy and is willing to agree to actions that will be enforced similarly to sanctions, and the Complainant(s) and William James College are agreeable to the resolution terms.

Alternative Resolution. When the Parties agree to resolve the matter through an alternative resolution mechanism (which could include, but is not limited to, mediation, shuttle negotiation, restorative practices, facilitated dialogue, etc.), as described below.

The individual facilitating an Informal Resolution must be trained and cannot be the Investigator, Decision-maker, or Appeal Decision-maker.

It is not necessary to pursue Informal Resolution first in order to pursue an Administrative Resolution Process. Any party participating in Informal Resolution can withdraw from the Informal Resolution Process at any time and initiate or resume the Administrative Resolution Process.

The Parties may agree, as a condition of engaging in Informal Resolution, on what statements made or evidence shared during the Informal Resolution Process will not be considered in the Administrative Resolution Process should Informal Resolution not be successful, unless agreed to by all Parties.

If an investigation is already underway, the Administrator has discretion to determine if an investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution Process.

Categories of Informal Resolution

Supportive Resolution

The Administrator will meet with the Complainant to determine reasonable supportive measures that are designed to restore or preserve the Complainant's access to William James College's education program and activity. Such measures can be modified as the Complainant's needs evolve over time or circumstances change. If the Respondent has received the NOIA, the Administrator may also provide reasonable supportive measures for the Respondent as deemed appropriate. This option is available when the Complainant does not want to engage the other resolution options, and the Administrator does not initiate a Complaint.

Educational Conversation

The Complainant(s) may request that the Administrator address their allegations by meeting (with or without the Complainant) with the Respondent(s) to discuss concerning behavior and institutional policies and expectations. Such a conversation is non-disciplinary and non-punitive. Respondent(s) are not required to attend such meetings, nor are they compelled to provide any information if they attend. The conversation will be documented as the Informal Resolution for the matter, if it takes place. In light of this conversation, or the Respondent's decision not to attend, the Administrator may also implement remedial actions to ensure that policies and expectations are clear and to minimize the risk of recurrence of any behaviors that may not align with Policy.

Accepted Responsibility

The Respondent may accept responsibility for any or all of the alleged Policy violations at any point during the Resolution Process. If the Respondent indicates an intent to accept responsibility for **all** alleged Policy violations, the ongoing process will be paused, and the Administrator will determine whether Informal Resolution is an option.

If Informal Resolution is available, the Administrator will determine whether all Parties and William James College are able to agree on responsibility, restrictions, sanctions,

restorative measures, and/or remedies. If so, the Administrator implements the accepted finding that the Respondent is in violation of William James College Policy, implements agreed-upon restrictions and remedies, and determines the appropriate responses in coordination with other appropriate administrator(s), as necessary.

This resolution is not subject to appeal once all Parties indicate their written agreement to all resolution terms. When the Parties cannot agree on all terms of resolution, the Resolution Process will either continue or resume.

When a resolution is reached, the appropriate sanction(s) or responsive actions are promptly implemented to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

Alternative Resolution

William James College offers a variety of Alternative Resolution mechanisms to best meet the specific needs of the Parties and the nature of the allegations. Alternative Resolution may involve agreement to pursue individual or community remedies, including targeted or broad-based educational programming or training; supported direct conversation or interaction with the Respondent(s); indirect action by the Administrator or other appropriate William James College officials; and other forms of resolution that can be tailored to the needs of the Parties. Some Alternative Resolution mechanisms will result in an agreed-upon outcome, while others are resolved through dialogue. All Parties must consent to the use of an Alternative Resolution approach, and the Parties may, but are not required to, have direct or indirect contact during an Alternative Resolution process.

The Administrator may consider the following factors to assess whether Alternative Resolution is appropriate, or which form of Alternative Resolution may be most successful for the Parties:

- The Parties' amenability to Alternative Resolution
- Likelihood of potential resolution, considering any power dynamics between the Parties
- The nature and severity of the alleged misconduct
- The Parties' motivation to participate
- Civility of the Parties
- Results of a violence risk assessment/ongoing risk analysis
- Respondent's disciplinary history

- Whether an emergency removal or other interim action is needed
- Skill of the Alternative Resolution facilitator with this type of Complaint
- Complaint complexity
- Emotional investment/capability of the Parties
- Rationality of the Parties
- Goals of the Parties
- Adequate resources to invest in Alternative Resolution (e.g., time, staff, etc.)

The Administrator has the authority to determine whether Alternative Resolution is available or successful, to facilitate a resolution that is acceptable to all Parties, and/or to accept the Parties' proposed resolution, usually through their Advisors, often including terms of confidentiality, release, and non-disparagement.

Parties do not have the authority to stipulate restrictions or obligations for individuals or groups that are not involved in the Alternative Resolution process. The Administrator will determine whether additional individual or community remedies are necessary to meet the institution's compliance obligations in addition to the Alternative Resolution.

The Administrator maintains records of any resolution that is reached and will provide notification to the Parties of what information is maintained. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., dissolution of the Agreement and resumption of the Resolution Process, referral to the conduct process for failure to comply, application of the enforcement terms of the Agreement, etc.). The results of Complaints resolved by Alternative Resolution are not appealable.

If an Informal Resolution option is not available or selected, William James College will initiate or continue an investigation and subsequent Resolution Process to determine whether the Policy has been violated.

Resolution Process Pool

The Resolution Process relies on a pool of administrators ("the Pool") to carry out the process.

Pool Member Roles

Members of the Pool are trained annually, and can serve in the following roles, at the discretion of the Administrator:

- Appropriate intake of and initial guidance pertaining to Complaints

- Advisor to Parties
- Informal Resolution Facilitator
- Perform or assist with initial evaluation
- Investigator
- Decision-maker for challenges to emergency removal and supportive measures
- Decision-maker
- Appeal of Dismissal of a Complaint Decision-maker
- Appeal Decision-maker

Pool Member Appointment

The Administrator, in consultation with senior administrators as necessary, appoints the Pool, which acts with independence and impartiality. Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different Complaints, William James College can also designate permanent roles for individuals in the Pool.

Training for Members of the Resolution Process Pool

Resolution Process Pool members receive annual training related to their respective roles. This training may include, but is not limited to:

- The scope of the William James College's Equal Opportunity, Harassment, and Non-Discrimination Policy
- William James College's Resolution Process
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias and confirmation bias
- Treating Parties equitably
- Disparate treatment
- Disparate impact
- Reporting, confidentiality, and privacy requirements

- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, timely, and impartial manner
- Trauma-informed practices pertaining to investigations and resolution processes
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all prohibited conduct
- How to conduct an investigation and grievance process, including administrative resolutions, hearings, appeals, and Informal Resolution Processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias against Respondents and/or for Complainants, and on the basis of sex, race, religion, and other protected characteristics
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance and creating an investigation report that fairly summarizes relevant and not impermissible evidence
- How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations
- Recordkeeping

Additional Training Elements Specific to Title IX

All Investigators, Decision-makers, and other persons who are responsible for implementing William James College's Title IX policies and procedures will receive

training related to their duties under Title IX promptly upon hiring or change of position that alters their duties under Title IX or this part, and annually thereafter. Materials will not rely on sex stereotypes. Training topics include, but are not limited to:

- How to conduct a sex discrimination resolution process consistent with this Policy, including issues of disparate treatment, disparate impact, sex-based harassment, quid pro quo, hostile environment harassment, and retaliation
- The meaning and application of the term “relevant” in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under the Title IX Regulations
- Training for Informal Resolution facilitators on the rules and practices associated with William James College’s Informal Resolution process
- The role of the Title IX Coordinator/Deputy Title IX Coordinator
- Supportive Measures
- Clery Act/VAWA requirements applicable to Title IX
- William James College’s obligations under Title IX
- How to apply definitions used by William James College with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with Policy
- Reasonable modifications and specific actions to prevent discrimination and ensure equal access for pregnancy or related conditions
- Any other training deemed necessary to comply with Title IX

Notice of Investigation and Allegations (NOIA)

Prior to an investigation, the Administrator will provide the Parties with a detailed written NOIA. Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations. For climate/culture investigations that do not have an identifiable Respondent, the NOIA will be sent to the department/office/program head for the area/program being investigated.

The NOIA typically includes:

- A meaningful summary of all allegations
- The identity of the involved Parties (if known)

- The precise misconduct being alleged
- The date and location of the alleged incident(s) (if known)
- The specific policies/offenses implicated
- A description of, link to, or copy of the applicable procedures
- A statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence
- The name(s) of the Investigator(s), along with a process to identify to the Administrator, in advance of the interview process, any conflict of interest that the Investigator(s) may have
- A statement that William James College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination
- A statement that determinations of responsibility are made at the conclusion of the process and that the Parties will be given an opportunity during the review and comment period to inspect and review all relevant evidence
- A statement that retaliation is prohibited
- Information about the confidentiality of the process, including that the Parties and their Advisors (if applicable) may not share William James College work product obtained through the Resolution Process
- A statement that the Parties may have an Advisor of their choice who may accompany them through all steps of the Resolution Process
- A statement informing the Parties that William James College's Policy prohibits knowingly making false statements, including knowingly submitting false information during the Resolution Process
- Detail on how a party may request disability accommodations during the Resolution Process
- The William James College's VAWA Brochure may be viewed at <https://www.williamjames.edu/about/human-resources/upload/violence-against-woman-brochure.pdf>.
- An instruction to preserve any evidence that is directly related to the allegations

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the Parties as indicated in official William James College records, or emailed to the Parties' William James College-issued email or designated accounts. Once mailed, emailed, and/or received in person, the notification will be presumptively delivered.

Resolution Timeline

William James College will make a good faith effort to complete the Resolution Process within sixty to ninety (60-90) business days, including any appeals, which can be extended as necessary for appropriate cause by the Administrator. The Parties will receive regular updates on the progress of the Resolution Process, as well as notification and a rationale for any extensions or delays, and an estimate of how much additional time will be needed to complete the process.

Investigations are completed expeditiously, normally within sixty (60) business days, though some investigations may take longer, depending on issues such as the nature, extent, and complexity of the allegations, witness availability, law enforcement involvement, and other factors.

If a party or witness chooses not to participate in the Resolution Process or becomes unresponsive, William James College reserves the right to continue it without their participation to ensure a prompt resolution. Non-participatory or unresponsive Parties retain the rights outlined in this Policy and the opportunity to participate in the Resolution Process.

William James College may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to a request from law enforcement to delay the investigation temporarily, the need for language assistance, the absence of Parties and/or witnesses, and/or health conditions. William James College will promptly resume its Resolution Process as soon as feasible. During such a delay, William James College will implement and maintain supportive measures for the Parties as deemed appropriate.

William James College action(s) or process(es) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

William James College will make a good faith effort to complete the Resolution Process as promptly as circumstances permit and will communicate regularly with the Parties to update them on the progress and timing of the process.

Ensuring Impartiality

Any individual materially involved in the administration of the Resolution Process, including the Administrator, Investigator(s), and Decision-maker(s), may neither have

nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Administrator will vet the assigned Investigator(s), Decision-maker(s), and Appeals officers for impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. At any time during the Resolution Process, the Parties may raise a concern regarding bias or conflict of interest, and the Administrator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned to replace the conflicted or biased member, and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Administrator, concerns should be raised with the President of William James College

The Resolution Process involves an objective evaluation of all available relevant and not otherwise impermissible evidence, including evidence that supports that the Respondent engaged in a Policy violation and evidence that supports that the Respondent did not engage in a Policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness. All Parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to receive a written investigation report that accurately summarizes this evidence.

Investigator Appointment

Once an investigation is initiated, the Administrator appoints an Investigator(s) to conduct it. These Investigators may be members of the Resolution Process Pool, or any other properly trained Investigator, whether internal or external to the William James College community.

Witness Role and Participation in the Investigation

Employees (not including Complainant and Respondent) are required to cooperate with and participate in William James College's investigation and Resolution Process. Student witnesses and witnesses from outside the William James College community cannot be required to participate but are encouraged to cooperate with William James College investigations and to share what they know about a Complaint.

Interviews may be conducted in person, via online video platforms (e.g., Zoom, Microsoft Teams, FaceTime, WebEx, etc.), or, in limited circumstances, by telephone. William James College will take appropriate steps to ensure the security/privacy of remote interviews.

Parties and witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though such written statements and responses not preferred.

Interview Recording

It is standard practice for Investigators to create a record of all interviews pertaining to the Resolution Process (other than Informal Resolution meetings). The Parties may review copies of their own interviews, upon request. No unauthorized audio or video recording of any kind is permitted during investigation meetings. If an Investigator(s) elects to audio and/or video record interviews, all involved individuals should be made aware of audio and/or video recording.

All interviews are recorded. The recording and/or transcript of those meetings will be provided to the Parties for their review, after which the Parties may pose additional questions to each other. Those subsequent meetings or interviews are also recorded and/or transcribed and shared with the Parties.

Evidentiary Considerations

The Investigator(s) and the Decision-maker(s) will only consider evidence that is deemed relevant and not otherwise impermissible.

Relevant evidence is that which may aid in determining whether the allegation occurred, or whether the behavior constitutes a violation of Policy.

Impermissible evidence is defined as evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless 1) evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct, or 2) is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent.

The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent or preclude a determination that sex-based harassment occurred.

Previous disciplinary action of any kind involving the Respondent may not be considered unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining an appropriate sanction upon a determination of responsibility. Barring a pattern allegation, this information is only considered at the sanction stage of the process and is not shared until then.

Within the limitations stated above, the investigation and determination can consider character evidence, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

Respondent Admits Responsibility

At any point in the proceedings, if a Respondent elects to admit to the charged violations and waive further process, the Decision-maker is authorized to accept that admission, adopt it as their finding/final determination, and administer sanctions. This admission would also waive all rights to appeal for the Respondent. If the Respondent

rejects the finding/final determination/sanctions, or does not admit to all conduct charged, the Resolution Process continues to its conclusion.

Investigation

All investigations are adequate, thorough, reliable, impartial, prompt, and fair. They involve interviews with all relevant Parties and witnesses, obtaining relevant evidence, and identifying sources of expert information, as necessary.

After an interview, Parties and witnesses will be asked to verify the accuracy of the recording, transcript, or summary of their interview. They may submit changes, edits, or clarifications. If the Parties or witnesses do not respond within the time period designated for verification, objections to the accuracy of the recording, transcript, or summary will be deemed to have been waived, and no changes will be permitted.

William James College may consolidate Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions.

The Investigator(s) typically take(s) the following steps, if not already completed and not necessarily in this order:

- Determine the identity and contact information of the Complainant.
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all specific policies implicated.
- Assist the Administrator, if needed, with conducting a prompt initial evaluation to determine if the allegations indicate a potential Policy violation.
- Work with the Administrator, as necessary, to prepare the initial Notice of Investigation and Allegations (NOIA). The NOIA may be amended with any additional or dismissed allegations.
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the Parties and witnesses.
- When participation of a party is expected, provide that party with written notification of the date, time, and location of the meeting, as well as the expected participants and purpose.
- Make good faith efforts to notify each party of any meeting or interview involving another party, in advance when possible.

- Interview the Complainant and the Respondent and conduct follow-up interviews with each, as necessary.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary.
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript or recording) of the relevant evidence/testimony from their respective interviews and meetings.
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of another party and/or witnesses. Document in the investigation report which questions were asked, with a rationale for any changes or omissions.
- Where possible, complete the investigation promptly and without unreasonable deviation from the intended timeline.
- Provide the Parties with regular status updates throughout the investigation.
- Prior to the conclusion of the investigation, provide the Parties and their respective Advisors with a list of witnesses whose information will be used to render a finding.
- Ask the Parties to provide a list of questions they would like asked of the other party or any witnesses. The Investigator will ask those questions deemed relevant, and for any question deemed not relevant, will provide a rationale for not asking the question.
- Write a draft investigation report that gathers, assesses, and synthesizes the evidence, accurately summarizes the investigation, and party and witness interviews, and provides all relevant evidence.
- Provide the Parties and their respective Advisors an electronic copy of the draft investigation report as well as an opportunity to inspect and review all relevant evidence obtained as part of the investigation for a review and comment period of ten (10) business days so that each party may meaningfully respond to the evidence. The Parties may elect to waive all or part of the review period.
- The Investigator may share the investigation report with the Administrator and/or legal counsel for their review and feedback.

Administrative Resolution Process

The Administrative Resolution Process is used for all Complaints of discrimination on the basis of protected characteristics, harassment, retaliation, and Other Prohibited Conduct (as defined in Policy) or when Informal Resolution is either not elected or is unsuccessful.

The Administrative Resolution Process consists of a hand-off of the investigation report and all relevant evidence to the Decision-maker to make a finding and determine sanctions (if applicable).

At the discretion of Administrator, the assigned Decision-maker will be an individual or a panel drawn from the Resolution Process Pool, or other trained individuals either internal or external to the institution. Once the Decision-maker receives and reviews the file, they can recommend dismissal to the Administrator, if they believe the grounds are met.

The Administrative Resolution Process typically takes approximately thirty (30) business days to complete, beginning with the Decision-maker's receipt of the Draft Investigation Report. The Parties will be updated regularly on the timing and any significant deviation from this typical timeline.

Investigator-led Questioning Meetings

The Administrator provides the Draft Investigation Report to the Decision-maker and the Parties simultaneously for review. The Decision-maker can then provide the Investigator with a list of relevant questions to ask the Parties or any witnesses. To the extent credibility is in dispute and relevant to one or more of the allegations, the questions provided by the Decision-maker to the Investigator may also explore credibility.

The Investigator will also ask each of the Parties to provide a proposed list of questions to ask the other Parties and any witnesses. To the extent credibility is in dispute and relevant to one or more of the allegations, questions proposed by the Parties may also explore credibility. All party questions must be posed during this phase of the process and cannot be posed later unless authorized by the Decision-maker. The Investigator will share all party-proposed questions with the Decision-maker, who will finalize the list with the Investigator to ensure all questions are both relevant and permissible.

The Investigator will then hold individual meetings with the Parties and witnesses to ask the questions posed by the Decision-maker, as well as the questions proposed by the Parties that have been deemed relevant and not duplicative, including questions intended to assess credibility. These meetings will be recorded and transcribed. For any question deemed not relevant or duplicative, the Investigator will provide a rationale for not asking the question, either during the recorded meeting, or in writing (typically as an Appendix to the report).

Typically, within three (3) business days of the last of these meetings, the recordings or transcripts of them will be provided to the Parties for their review. The Parties will then have five (5) business days to review these recordings or transcripts and propose follow-up questions to be asked by the Investigator.

The Investigator will review the proposed questions with the Decision-maker, to determine relevance and permissibility. If deemed necessary, the Investigator will then meet individually with the Parties or witnesses for whom there are relevant, and not duplicative, follow-up questions. These follow-up meetings will also be recorded, and the Parties will receive the recordings or transcripts of these meetings. This final round of questioning is the last such round permitted, unless leave is granted to extend, by the Decision-maker.

The Investigator will then incorporate any new, relevant evidence and information obtained through the Parties' review of the Draft Investigation Report, the questioning, and follow-up meetings into a Final Investigation Report.

The Investigator will also respond in writing (typically within the Final Investigation Report) to the relevant elements of the Parties' responses to the Draft Investigation Report and incorporate relevant elements of the Parties' written responses, additional relevant evidence, and any necessary revisions into the Final Investigation Report.

The Investigator will then share the investigation report with the Administrator and/or legal counsel for their review and feedback.

The Final Investigation Report and investigation file will then be provided to the Administrator.

The Decision-maker's Determination

The Administrator will provide the Decision-maker with the Final Investigation Report and investigation file, including the evidence and information obtained through the Investigator-led Questioning meetings.

The Decision-maker will review the Final Investigation Report, all appendices, and the investigation file.

If the record is incomplete, the Decision-maker may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including informally meeting with the Parties or any witnesses, if needed.

Upon reviewing the relevant evidence, the Decision-maker may also choose to pose additional questions:

- To the extent credibility is in dispute and relevant to one or more of the allegations, the Decision-maker may meet individually with the Parties and

witnesses to question them in order to assess their credibility. These meetings will be recorded and shared with the Parties.

- At their discretion, the Decision-maker may also meet with any party or witness to ask additional relevant questions that will aid the Decision-maker in making their findings. These meetings will be recorded and shared with the Parties.
- The Decision-maker will then apply the preponderance of the evidence standard to make a determination on each of the allegations and, if applicable, any attendant sanctions.

Timeline

The Decision-maker's determination process typically takes approximately ten (10) business days, but this timeframe can vary based on a number of factors and variables. The Parties will be notified of any delays.

Impact Statements

Prior to a determination, the Administrator will also provide the Parties an opportunity to submit a written impact and/or mitigation statement. The Administrator will review these statements upon receipt to determine whether there are any immediate needs, issues, or concerns, but will otherwise hold them until after the Decision-maker has made determinations on the allegations. If there are any findings of a Policy violation, the Decision-maker will request the Impact Statements from the Administrator and review them prior to determining sanctions. They will also be exchanged between the Parties at that time.

If it is later determined that a party or witness intentionally provided false or misleading information, that action could be grounds for re-opening a Resolution Process at any time, and/or referring that information to another process for resolution.

Sanctions

Factors considered by the Decision-maker when determining sanctions and responsive actions may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation

- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the Parties
- Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as it is feasible once a determination is final, either upon the outcome of any appeal or the expiration of the window to appeal, without an appeal being requested.

The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed, by external authorities.

Student Sanctions

The following are the common sanctions that may be imposed upon students singly or in combination:

- Reprimand: A formal statement that the conduct was unacceptable and a warning that further violation of any William James College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- Required Counseling: A mandate to meet with and engage in either William James College-sponsored or external counseling to better comprehend the misconduct and its effects.
- Restrictions: A student may be restricted in their activities, including, but not limited to, being restricted from locations, programs, participation in certain activities or extracurriculars, study abroad, or from holding leadership in student organizations.
- Probation: An official sanction for violation of institutional Policy, providing for more severe disciplinary sanctions in the event that the student is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- Suspension: Separation from the institution, or one or more of its facilities, for a definite period of time, typically not to exceed two years, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension, on successfully applying for readmission, or upon a general condition that the student is eligible to return if the institution determines it is appropriate to re-enroll/readmit the student. The

student is typically required to vacate institutional property within 24 hours of notification of the action, though this deadline may be extended at the discretion of the Administrator or other appropriate official. During an institution-wide suspension, the student is banned from institutional property, functions, events, and activities unless they receive prior written approval from an appropriate institutional official. This sanction may be enforced with a trespass action, as necessary.

- Expulsion: Permanent separation from the institution. The student is banned from institutional property, and the student's presence at any institution-sponsored activity or event is prohibited. This action may be enforced with a trespass action, as necessary.
- Withholding Diploma: William James College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities as a sanction if the student is found responsible for violating Policy.
- Revocation of Degree: While very rarely employed, William James College reserves the right to revoke a degree previously awarded from William James College for fraud, misrepresentation, and/or other violation of William James College policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- Other Actions: In addition to, or in place of, the above sanctions, William James College may assign any other sanctions as deemed appropriate.

Student Group and Organization Sanctions

The following are the common sanctions that may be imposed upon student organizations singly or in combination:

- Warning: A formal statement that the conduct was unacceptable and a warning that further violation of any William James College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- Probation: An official sanction for violation of institutional Policy, providing for more severe disciplinary sanctions in the event that the group or organization is found in violation of any institutional Policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social and event privileges, denial of William James College funds, ineligibility for honors and awards, restrictions on new member recruitment, no-contact orders, and/or other measures deemed appropriate.
- Suspension: Termination of student group or organization recognition and/or institutional support for a definite period of time not to exceed two years and/or until specific criteria are met. During the suspension period, a student group or

organization may not conduct any formal or informal business or participate in William James College-related activities, whether they occur on- or off-campus. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from William James College.

- Expulsion: Permanent termination of student group organization recognition and revocation of the privilege to congregate and conduct business on campus as an organization for any reason.
- Loss of Privileges: Restricted from accessing specific William James College privileges for a specified period of time.
- Other Actions: In addition to or in place of the above sanctions, William James College may assign any other sanctions as deemed appropriate.

Employee Sanctions/Responsive/Corrective Actions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- Verbal or Written Warning
- Performance Improvement Plan/Management Process
- Enhanced Supervision, Observation, or Review
- Required Counseling
- Required Training or Education
- Probation
- Denial of Pay Increase/Pay Grade
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Transfer
- Shift or schedule adjustments
- Reassignment
- Delay of (or referral for delay of) Promotion/Rank Progress

- Assignment to New Supervisor
- Restriction of Stipends, Research, and/or Professional Development Resources
- Suspension/Administrative Leave with Pay
- Suspension/Administrative Leave without Pay
- Termination
- Other Actions: In addition to or in place of the above sanctions/responsive actions, William James College may assign any other responsive actions as deemed appropriate.

Notice of Outcome

Within ten (10) business days of the conclusion of the Resolution Process, the Administrator provides the Parties with a written outcome notification. The outcome notification will specify the finding for each alleged Policy violation, any applicable sanctions that William James College is permitted to share pursuant to state or federal law, and a detailed rationale, written by the Decision-maker, supporting the findings to the extent William James College is permitted to share under federal or state law.

The notification will also detail the Parties' equal rights to appeal, the grounds for appeal, the steps to take to request an appeal, and when the determination is considered final if neither party appeals.

The Administrator will provide the Parties with the outcome notification simultaneously, or without significant time delay between notifications. The written outcome notification may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the Parties as indicated in official William James College records, or emailed to the Parties' William James College-issued or designated email account. Once mailed, emailed, and/or received in person, the outcome notification is presumptively delivered.

Withdrawal or Resignation Before Complaint Resolution

Students

Should a student Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If a student Respondent withdraws from William James College, the Resolution Process may continue, or the Administrator may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, William James College will still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or

remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the Complaint is dismissed or pursued to completion of the Resolution Process, William James College will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

When a student withdraws or leaves while the process is pending, the student may not return to William James College in any capacity until the Complaint is resolved and any sanctions imposed are satisfied. If the student indicates they will not return, the Administrator has discretion to dismiss the Complaint. The Registrar and Office of Admissions will be notified, accordingly.

If the student Respondent takes a leave of absence for a specified period of time (e.g., one semester or term), the Resolution Process may continue remotely. If found in violation, that student is not permitted to return to William James College unless and until all sanctions, if any, have been satisfied.

Employees

Should an employee Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If an employee Respondent withdraws from William James College with unresolved allegations pending, the Resolution Process may continue, or the Administrator may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, William James College may still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

When an employee resigns and the Complaint is dismissed, the employee may not return to William James College in any capacity. Human resources, the registrar, and admissions will be notified, accordingly, and a note will be placed in the employee's file that they resigned with allegations pending and are not eligible for academic admission or rehire with William James College. The records retained by the Administrator will reflect that status.

Appeal of the Determination

The Administrator will designate a three-member Appeal Panel, or a single Appeal Decision-maker chosen from the Pool, or other trained internal or external individuals, to hear the appeal. No Appeal Decision-maker(s) will have been previously involved in the Resolution Process for the Complaint, including in any supportive measure or dismissal appeal that may have been heard earlier in the process. If a panel is used, a voting Chair of the Appeal Panel will be designated by the Administrator.

Appeal Grounds

Appeals are limited to the following grounds:

- 1) A procedural irregularity that would change the outcome
- 2) New evidence that would change the outcome and that was not reasonably available at the time the determination regarding responsibility or dismissal was made
- 3) The Administrator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that would change the outcome
- 4) The final determination by the Decision-maker is substantially contrary to the weight of the evidence in the record (applicable to sanctions of suspension, expulsion, or termination, only)
- 5) The sanctions fall outside the range of sanctions designated for this offense, considering the cumulative conduct/disciplinary record of the Respondent (applicable to sanctions of suspension, expulsion, or termination, only)

Request for Appeal

Any party may submit a written request for appeal (“Request for Appeal”) to the Administrator within five (5) business days of the delivery of the Notice of Outcome.

The Request for Appeal will be forwarded to the Appeal Panel or Decision-maker for consideration to determine if the request meets the grounds for appeal. This is not a review of the merits of the appeal, but solely a determination as to whether the request could reasonably be construed to meet the grounds and is timely filed.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the request will be denied by the Appeal Panel Chair or Decision-maker, and the Parties and their Advisors will be simultaneously notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Panel Chair or Decision-maker will notify all Parties and their Advisors, the Administrator, and, when appropriate, the Investigator(s) and/or the original Decision-maker.

All other Parties and their Advisors, the Administrator, and, when appropriate, the Investigator(s) and/or the Decision-maker will be provided a copy of the Request for Appeal with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. The Appeal

Panel Chair or Decision-maker will forward all responses, if any, to all Parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that Request for Appeal will be reviewed by the Appeal Panel Chair or Decision-maker to determine if it meets the grounds in this Policy and will either be approved or denied. If approved, it will be forwarded to the party who initially requested an appeal, the Administrator, and the Investigator(s) and/or original Decision-maker, as necessary, who will submit their responses, if any, within five (5) business days. Any such responses will be circulated for review and comment by all Parties. If denied, the Parties will be notified accordingly, in writing.

No party may submit any new Requests for Appeal after this time period. The Appeal Panel Chair or Decision-maker will collect any additional information needed and all documentation regarding the approved appeal grounds, and the subsequent responses will be shared with the Appeal Panel or Decision-maker, who will promptly render a decision.

Appeal Determination Process

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Appeals Panel or Decision-maker will deliberate as soon as is practicable and discuss the merits of the appeal.

Appeal decisions are to be deferential to the original determination, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. All decisions are made by majority vote and apply the preponderance of the evidence standard.

An appeal is not an opportunity for the Appeal Panel or Decision-makers to substitute their judgment for that of the original Decision-maker merely because they disagree with the finding and/or sanction(s).

The Appeal Panel or Decision-maker may consult with the Administrator and/or legal counsel on questions of procedure or rationale, for clarification, if needed. The Administrator will maintain documentation of all such consultation.

Appeal Outcome

An appeal may be granted or denied. Appeals that are granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-maker with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original Investigator(s) and/or Decision-maker or the Administrator (as in cases of bias), the Appeal Panel or Decision-maker may order a new investigation and/or a new determination with new Pool members serving in the Investigator and Decision-maker roles.

A Notice of Appeal Outcome letter will be sent to all Parties simultaneously, or without significant time delay between notifications. The Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanction(s) that may result which William James College is permitted to share according to federal or state law, and the rationale supporting the essential findings to the extent William James College is permitted to share under federal or state law.

Written notification may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the Parties as indicated in official institutional records, or emailed to the Parties' William James College-issued email or otherwise approved account. Once mailed, emailed, and/or received in person, the Appeal Outcome will be presumptively delivered.

Once an appeal is decided, the outcome is final and constitutes the Final Determination; further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new determination). When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.

If a remand results in a new determination that is different from the appealed determination, that new determination can be appealed, once, on any of the five available appeal grounds.

Sanction Status During the Appeal

Any sanctions imposed as a result of the determination are stayed (i.e., not implemented) during the appeal process, and supportive measures may be maintained or reinstated until the appeal determination is made.

If any of the sanctions are to be implemented immediately post-determination, but pre-appeal, then the emergency removal procedures (detailed above) for a "show cause" meeting on the justification for doing so must be permitted within two (2) business days of implementation.

Long-Term Remedies/Other Actions

Following the conclusion of the Resolution Process, and in addition to any sanctions implemented or Informal Resolution terms, the Administrator may implement additional long-term remedies or actions with respect to the Parties and/or the William James College community that are intended to stop the discrimination, harassment, and/or retaliation, remedy the effects, and prevent recurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and/or health services

- Referral to the Employee Assistance Program
- Course and registration adjustments, such as retroactive withdrawals
- Education to the individual and/or the community
- Permanent alteration of work arrangements for employees
- Climate surveys
- Policy modification and/or training
- Implementation of long-term contact limitations between the Parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Administrator, certain long-term supportive measures may also be provided to the Parties even if no Policy violation is found.

When no Policy violation is found, the Administrator will address any remedies William James College owes the Respondent to ensure no effective denial of educational access.

William James College will maintain the confidentiality of any long-term remedies/actions/measures, provided confidentiality does not impair William James College's ability to provide these services.

Failure to Comply with Sanctions, Responsive Actions, and/or Informal Resolution Terms

All Respondents are expected to comply with the assigned sanctions, responsive actions, corrective actions, and/or Informal Resolution terms within the timeframe specified by the final Decision-maker(s), including the Appeal Panel or Decision-maker or the Informal Resolution agreement.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from William James College.

Supervisors are expected to enforce the completion of sanctions/responsive actions for their employees.

A suspension imposed for non-compliance with sanctions will only be lifted when compliance is achieved to the Administrator's satisfaction.

Recordkeeping

For a period of at least seven (7) years following the conclusion of the Resolution Process, William James College will maintain records of:

- 1) Each discrimination, harassment, and retaliation resolution process, including any Final Determination regarding responsibility or appeal, and any audio or audiovisual recording or transcript required under federal regulation
- 2) Any disciplinary sanctions imposed on the Respondent
- 3) Any supportive measures provided to the Parties and any remedies provided to the Complainant or the community designed to restore or preserve equal access to William James College's education program or activity
- 4) Any appeal and the result therefrom
- 5) Any Informal Resolution and the result therefrom
- 6) All materials used to provide training to the Administrator, Title IX Coordinator and designees, Investigators, Decision-makers, Appeal Decision-makers, Informal Resolution Facilitator, and any person who is responsible for implementing William James College's Resolution Process, or who has the authority to modify or terminate supportive measures. William James College will make these training materials available for review upon request.
- 7) All materials used to train all employees consistent with the requirements in the Title IX Regulations.

William James College will also maintain any and all records in accordance with state and federal laws.

Record Access

Access to records created pursuant to the Policy or housed in the Office of the Title IX Coordinator is strictly limited to the Administrator and any person they authorize in writing, at their discretion, or via permission levels within the database. Those who are granted broad access to the Office of the Title IX Coordinator records are expected to access only those pertinent to their scope, work, or specific assignment. Anyone who accesses such records without proper authorization may be subject to an investigation and possible discipline/sanction. The discipline/sanction for unauthorized access of records covered by this Policy will be at the discretion of the appropriate disciplinary authority, consistent with other relevant William James College policies and procedures.

Student Parties may request access to their complaint file. William James College will provide access or a copy within 45 days of the request. Appropriate redactions of

personally identifiable information may be made before inspection, or any copy is shared.

William James College will maintain an access log of each case file, showing when and by whom it was accessed and for what purpose.

Accommodations and Support During the Resolution Process

Disability Accommodations

William James College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to William James College's Resolution Process.

Anyone needing such accommodations or support should contact the Administrator, who will work with disability support colleagues as appropriate to review the request and, in consultation with the person requesting the accommodation, determine which accommodations are appropriate and necessary for full process participation.

Other Support

William James College will also address reasonable requests for support for the Parties and witnesses, including:

- Language services/Interpreters
- Access and training regarding use of technology throughout the Resolution Process
- Other support as deemed reasonable and necessary to facilitate participation in the Resolution Process

Revision of These Procedures

These procedures succeed any previous procedures addressing discrimination, harassment, and retaliation for incidents occurring on or after August 1, 2024. The Administrator will regularly review and update these procedures. William James College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

If governing laws or regulations change, or court decisions alter, the requirements in a way that impacts this document, this document will be construed to comply with the most recent governing laws or regulations or court holdings.

This document does not create legally enforceable protections beyond the protections of the background state and federal laws that frame such policies and codes, generally.

These procedures are effective August 1, 2024.

APPENDIX A

VIOLENCE RISK ASSESSMENT

Threat assessment is the process of assessing the actionability of violence by a person against another person or group following the issuance of a direct or conditional threat. A **Violence Risk Assessment (VRA)** is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

Implementing a VRA requires specific training. It is typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct professionals, and/or other Behavioral Intervention Team (BIT) (sometimes known as CARE team) members.

A VRA occurs in collaboration with the BIT, CARE team, and/or threat assessment team and must be understood as an ongoing process, rather than as a single evaluation or meeting. A VRA is not an evaluation for an involuntary behavioral health hospitalization (e.g., 5150 in California, Section XII in Massachusetts, Baker Act in Florida), nor is it a psychological or mental health assessment.

A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations. It is supported by research from law enforcement, criminology, human resources, and psychology.

When conducting a VRA, the assessor(s) use(s) an evidence-based process consisting of:

- 1) An appraisal of **risk factors** that escalate the potential for violence.
- 2) A determination of stabilizing influences, or **protective factors**, that reduce the risk of violence.
- 3) A contextual **analysis of violence risk** by considering environmental circumstances, hopelessness, and suicidality; catalyst events; nature and actionability of the threat; fixation and focus on target; grievance collection; and action and time imperative for violence.
- 4) The application of **intervention and management** approaches to reduce the risk of violence.

To assess a person's level of violence risk, the Administrator will initiate the VRA process to assign a trained person(s) to perform the assessment, according to the specific nature of the complaint.

The assessor(s) will follow the process for conducting a VRA and will rely on a consistent, research-based, reliable system that allows for the evaluation of the risk levels.

1
2 Some examples of formalized approaches to the VRA process include The NABITA
3 Risk Rubric, The Structured Interview for Violence Risk Assessment (SIVRA-35),
4 Violence Risk Assessment of the Written Word (VRAWW), Workplace Assessment of
5 Violence Risk (WAVR-21), Historical Clinical Risk Management (HCR-20), and
6 MOSAIC.

7
8 The VRA is conducted independently from the Resolution Process, informed by it, but
9 free from outcome pressure. The person(s) conducting the assessment will be trained to
10 mitigate any bias and provide the analysis and findings in a fair and equitable manner.

11
12 The VRA Team conducts a VRA process and makes a recommendation to the
13 Administrator as to whether the VRA indicates there is a substantial, compelling, and/or
14 immediate risk to the health and/or safety of a person or the community.

15
16 In some circumstances, the Administrator may determine that a VRA should be
17 conducted by the VRAT as part of the initial evaluation of a Complaint under this Policy.
18 A VRA can aid in critical and/or required determinations, including:

- 19
20 1) Whether to remove the Respondent on an emergency basis because of an
21 immediate threat to a person or the community's health/safety (Emergency
22 Removal)
23 2) Whether the Administrator should pursue/sign a Complaint absent a willing/able
24 Complainant
25 3) Whether the scope of an investigation should include an incident, and/or pattern
26 of misconduct, and/or climate of discrimination or harassment
27 4) To help identify potential predatory conduct
28 5) To help assess/identify grooming behaviors
29 6) Whether it is reasonable to try to resolve a Complaint through Informal
30 Resolution, and if so, what approach may be most successful
31 7) Whether to permit the Respondent to voluntarily withdraw
32 8) Whether to impose transcript notation or communicate with a transfer institution
33 about a Respondent
34 9) Assessment of appropriate sanctions/remedies (to be applied post-
35 determination)
36 10) Whether a Clery Act Timely Warning/Trespass order/Persona Non Grata is
37 needed

38
39 A compelling risk to health and/or safety may result from evidence of patterns of
40 misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or
41 violence. Institutions may be compelled to act on alleged employee misconduct
42 irrespective of a Complainant's wishes.

APPENDIX B

RECORDS MAINTENANCE AND ACCESS POLICY

Policy Scope

This Policy covers records maintained in any medium that are created pursuant to William James College's Equal Opportunity, Harassment, and Non-Discrimination Policy and/or the regular business of the Administrator. All such records are considered private or confidential by College, in accordance with FERPA and the directive from the Department of Education to maintain the confidentiality of records related to discrimination, harassment, and retaliation. These records may be shared internally with those who have a legitimate educational interest and will be shared with the Parties to a Complaint under applicable federal and/or state law. The Registrar's Office controls the dissemination and sharing of any records under its control.

Types of Records Covered Under this Policy

Records pertaining to the Equal Opportunity, Harassment, and Non-Discrimination Policy and Resolution Process for All Faculty, Students, Employees and Third Parties

include, but are not limited to:

- The Complaint
- NOIAs
- Documentation of notice to the institution, including incident reports
- Anonymous reports later linked to a specific incident involving known Parties
- Any documentation supporting the initial evaluation
- Investigation-related evidence (e.g., physical and documentary evidence collected and interview transcripts)
- Dismissal-related documentation and appeals
- Documentation related to Emergency Removals, leaves, and interim actions and challenges
- Documentation related to the Resolution Process
- The Final Investigation Report and file
- Remedy-related documentation
- Supportive measures-related documentation
- Appeal-related documentation
- Informal Resolution records
- Outcome Notices
- Any other records typically maintained by the Recipient as part of the Complaint file

Drafts and Working Files: Preliminary drafts and “working files” are not considered records that the Recipient must maintain, and these are typically destroyed during the course of an investigation or at the conclusion of the Resolution Process. They are preliminary versions of records and other documents that do not state a final position on the subject matter reviewed or are not considered to be in final form by their author and/or the Administrator. An example of a “working file” would be the Investigator’s notes made during an interview on topics that they want to revisit in subsequent interviews. Sole possession records maintained as such in accordance with FERPA are also included in this category. All drafts of investigation reports shared with the Parties are maintained.

Attorney Work-Product: Communications from the Administrator or its designees with William James College’s legal counsel may be work product protected by attorney-client privilege. These privileged communications are not considered records to be maintained by the Administrator or accessible under this Policy unless the Administrator, in consultation with legal counsel as necessary, determines that these communications should be included as accessible records.

Record Storage

Records may be created and maintained in different media formats; this Policy applies to all records, irrespective of format. All records created pursuant to the Policy, as defined above, must be stored in digital format and maintained by the Administrator. The complete file must be transferred to the Administrator typically within fourteen (14) business days of the complaint resolution (including any appeal), if the file is not already maintained within the Administrator’s Office Security protocols must be in place to preserve the integrity and privacy of any parts of any record that are maintained in the Office of the Administrator during the pendency of an investigation.

The Administrator will store all records created pursuant to the Policy, regardless of the identities of the Parties. Any extra (non-essential) copies of the records (both digital and paper) must be destroyed.

A copy of records showing compliance with any applicable Clery Act/Violence Against Women Act (VAWA) requirements will be maintained along with the Complaint file by the Administrator.

Title IX Training Materials

1. William James College will also maintain copies of the slides or other materials from all Title IX training for the Resolution Process Pool members, the Nondiscrimination Team, and employees. Trainings occurring after August 1, 2024, are posted online at <https://www.williamjames.edu/about/human-resources/upload/wjc-non-discrimination-and-title-ix-training-materials.pdf>, and trainings occurring before August 1, 2024, are available for review upon request to the Administrator.

Record Retention

All records created and maintained pursuant to the Policy will be retained by the Administrator for a minimum of seven (7) years in database, digital, and/or paper form. Except for records pertaining to Title IX and the Clery Act/VAWA, the Administrator may authorize destruction or expungement acting under their own discretion, or in accordance with a duly executed and binding claim settlement and/or by court or government order.

Record Access

Access to records created pursuant to the Policy or housed in the <<office>> is strictly limited to the Administrator and any person they authorize in writing, at their discretion, or via permission levels within the database. Those who are granted broad access to the Administrator's records are expected to access only those pertinent to their scope, work, or specific assignment. Anyone who accesses such records without proper authorization may be subject to an investigation and possible discipline/sanction. The discipline/sanction for unauthorized access of records covered by this Policy will be at the discretion of the appropriate disciplinary authority, consistent with other relevant William James College policies and procedures.

Student Parties may request access to their complaint file. William James College will provide access or a copy within 45 days of the request. Appropriate redactions of personally identifiable information may be made before inspection, or any copy is shared.

During the investigation, materials may be shared with the Parties using secure file transmission software. The Administrator's will watermark any such file with the watermark identifying the role of the person in the process (e.g., Complainant, Respondent, Decision-maker; Complainant's Advisor) before sharing.

William James College will maintain an access log of each case file, showing when and by whom it was accessed and for what purpose.

Record Security

The Administrator is expected to maintain appropriate security practices for all records, including password protection, lock and key, and other barriers to access as appropriate. Record security should include protection from floods, fire, and other potential emergencies. Clothing, forensic, and other physical evidence should be securely stored in the Administrator's Office or another appropriate secure location. All physical evidence will be maintained in a facility that is reasonably protected from flood and fire. A catalog of all physical evidence will be retained with the Complaint file.